

THE WILL HOW TO WRITE IT

Author

Maulana Muhammad Hanif

English Translation

Rafiq Abd-Ur-Rehman

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INTRODUCTION

We must remember that thanksgiving is a form of worship. And as Mawlana Abul Hasan Ali Nadvi says, 'thanksgiving is also a great worship but today we are ignorant about it'. The need of the hour is that we must concentrate to offer it not only through words but through deeds as well.

Similarly, *will* is another worship to which we have been equally ignorant. To apprise us all about its importance, there was an urgent need of a book which could do the job. Thus, the scholars of *Bait-ul-Ilm*, a newly established institution at Karachi, compiled a book in Urdu under the dynamic and charming captainship of my friend Mufti Muhammad Hanif, and captioned it: *Tariqah-e-Wasiyat*. This work was translated into English language by another friend, Rafiq Abdur Rahman, who has translated other books previously, among them *Islam aur Tarbiyat-e-Aulad* (Upbringing of Children in Islam) and *Zariyat-ul-Wusul ila Janab ir Rasul* (Nearest Approach to the Messenger of Allah).¹

I have thoroughly read the manuscript and found it simply interesting. It has been edited most sincerely, but to err is human. You are requested to inform us of any error you come across in this first edition of the book and/or any suggestion you feel could improve the quality of the book so that the next edition of it could be error-free and improved.

Dr Kamil Siddiqui

(Research Scholar at the University of Karachi)

¹ Two other booklets entitled Paradise and Hell.

AN APPRECIATION

I have carefully gone through the manuscript of the book *Tariqah-e-Wasiyat* that is now ready for the press. Two other books by the same author Mawlana Muhammad Hanif and his fellow teachers, *Istighfar ki suttar du'ain* and *Tuhfah-e-Dulhan* have been published already. By the Grace of Allah, the present book is of considerable value and its literary style is appealing and easy for the reader to comprehend.

The religious questions discussed in this book have been derived from reliable authorities. Particular emphasis is laid on the Rights of Allah and of fellow human beings and on the practice of the Holy Prophet ﷺ. The book highlights the apathy of poor employees and distressed relatives at the hands of the rich people. It is a fact that, pursuant to the directions in this book, if we are preparing for the Hereafter, and being fair to our employees, subordinates, and associates. Not only will we be instrumental in creating peace, love and harmony in our societies today, but we will be happy in the next life.

May Allah cause this attempt to be beneficial all round and reward the author and his fellow teachers, *Aameen!* It is the need of the times that this book goes through many eyes providing benefit to everyone. Allah is the Provider of Guidance!

Mufti Mahmood Ashraf Usmani

Dar ul Ifta', Jami' Dar ul Uloom, Karachi.

21 Muhurruum 1417.

A WORD FROM THE TRANSLATOR

The English Translation of *Tariqah-e-Wasiyat* is before you. Apart from an intense desire to do something useful, I lay no claim to specialised knowledge in religion or language. I therefore describe this attempt as by an amateur.

Readers are requested to keep this in mind while reading this book and to be liberal in ignoring my faults. They may point out my errors to the Publishers for amends in subsequent editions.

While the responsibility for errors rests entirely on my shoulders, I am indebted to Dr Kamil Siddiqi, Mr Iqbal Bhalgamwala and Mr Amin Tumbi for going through the manuscript and offering valuable suggestion in improving the text. May Allah reward them generously! *Aameen!*

Rafiq Abdur Rahman

Friday, 28 Ramadan 1417 (7th Feb. 1997)

1. HOW MAY YOU READ THIS BOOK?

There are certain significant matters that cast their influence on the life of a person and on the lives of his progeny. We will discuss these factors and point out some guidelines in this book.

1. Before you begin to read pray to Allah:

O Allah, help me read this book! Guide me to write down my will and cause me and my heirs to abide by it!

2. Read this book from the beginning, chapter by chapter. You will gain full knowledge to draw up your will. When you pause during the perusal, mark the page where you have stopped so that, when you take it up again, you do not miss anything.

3. Keep a pen and paper with you. When you come across information that you had not known until it in this book, make a note of it or mark it down in the book itself. Consider these notes, when you finally sit down to write down your will.

4. After you have written down your will, recommend to your friends and companions to do so too. It is very important that omissions in the fulfilment of the rights of fellow human beings are taken care of through the will.

5. No one can say when death will strike. Therefore, until you have finalised your will, let this book remain on your desk. So, it will keep reminding you to write down your will.

May Allah cause us to be pious! May He guide us to keep ourselves ready to face death! Aameen!'

¹ O Allah, grant our prayer!

2. THE SIGNIFICANCE OF WRITING DOWN A WILL

عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ مَا
حَقُّ أَمْرِي مُسْلِمٍ لَهُ شَيْءٌ يُرِيدُ أَنْ يُوصِيَ فِيهِ يَبِيتُ فِيهِ لَيْلَتَيْنِ إِلَّا وَصِيَّتُهُ
مَكْتُوبَةٌ عِنْدَهُ (متفق عليه، مشكوة: ٢٦٥)

When there is something in his life that a Muslim must instruct about, he has no right to pass two nights without having with him his will in which his instructions are contained.¹

This shows that it is wrong for anyone to spend even two nights without having drawn up a will.

عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ
وَسَلَّمَ مَنْ مَاتَ عَلَى وَصِيَّةٍ مَاتَ عَلَى سَبِيلٍ وَسُنَّةٍ وَمَاتَ عَلَى تَقَى وَشَهَادَةٍ
وَمَاتَ مَغْفُورًا لَهُ (ابن ماجه، مشكوة: ٢٦٦)

The Messenger of Allah ﷺ has said about a person who has drawn up his will that *when he dies, he departs from this life while he was on a straight way and the path of sunnah*. He has added that *such a person has died while practising taqwa*

¹ رضي الله عنه.

*and as a martyr who earns pardon while departing from this world.*¹

Just ponder over it! How much has our beloved Prophet ﷺ emphasised upon the drawing up of a will. It is imperative, therefore, that every Muslim, man or woman, must write down his will. When a person has missed his ritual prayers, or has not performed *Hajj* while it had become obligatory on him, or he has been derelict in the fulfilment of an obligatory act, the drawing up of a will becomes more accentuated. If such a person does not write down his will, he is committing a sin all the while. He is engaged in the sinful act until he commits to writing his instructions in this regard. Therefore, each one of us must draw up his will forthright. Today!

Every Muslim should write down his will and keep it in his home. He must give a copy of it to his wife or children or a close friend.

Here, we write down the method of drawing out a will so that no one may have difficulty in writing it.

The *Ahadith* quoted emphasise that a person must write down his will not only when he owes someone money or he has to return a trust, but also when there is no debt to be repaid simply out of a desire to be forgiven. This act, by itself, is a means of gaining forgiveness and virtuous reward. We often see in this world that disobedient children who do not pay heed to the rights and wishes of their parents when they are alive are

vociferous in demanding execution of their will after their demise. Therefore, every Muslim must draw up his will. This will ensure obedience from the heirs.

3. THE COMPLIANCE OF THE COMPANIONS IN THIS REGARD

The honourable Companions رضي الله عنهم were very particular in complying with the instructions of the Holy Prophet عليه الصلاة والسلام on drawing a will for important affairs of one's life. They were very enthusiastic in pursuing every command of Allah and each *sunnah* and practice of our beloved Prophet عليه الصلاة والسلام. They were ever aware that death could strike any moment and were fearful that it may overtake them while they had yet to fulfil a command of Allah or to meet the right of a fellow human being. They were very mindful of their debts and were in awe lest they died while they had not yet repaid a debt or mentioned it in their will with the result that they would have to bear the consequences in the next world.

After recounting the *Hadith* on drawing up a will, Hazrat Abdullah bin Umar رضي الله عنهما would say,

﴿فَمَا بَتُّ مِنْ لَيْلَةٍ إِلَّا وَصِيَّتِي عِنْدِي مَوْضُوعَةٌ﴾ (مسند احمد جلد ٢ صفحہ ٤)

"I have not spent a night without my will by my side."

Let us now cite the examples of the wills of two Companions of the Holy Prophet عليه الصلاة والسلام. One of them instructed his

attendants right at the time of his death and the other after martyrdom. The instructions of the one related to the rights over him of Allah and His religion, the will of the other specified someone's monetary rights over him.

4. THE LAST MOMENT WILL OF HAZRAT SA'D BIN RABI'

In the Battle of Uhud, our beloved Prophet عليه الصلاة والسلام enquired about Sa'd bin Rabi' رضي الله عنه "What may have befallen him?" and sent one of his Companions to find out. He looked for him among the martyrs. He called out aloud repeatedly in the hope that he might receive a reply if Sa'd was alive. Finally, he called out, "The Prophet عليه الصلاة والسلام has sent me to bring him the news of Sa'd bin Rabi'." His ears picked up a faint response from a corner, and went towards the source of the murmur. There he found Sa'd among the martyrs in a moribund state. Sa'd رضي الله عنه said, "Convey my greetings to the beloved Prophet عليه الصلاة والسلام. Tell him from me, 'May Allah reward you a recompense superior and better than the one awarded to any Prophet on behalf of his *Ummah*.' Tell the Muslims that if the unbelievers attack the Prophet عليه الصلاة والسلام and even one of them is alive, none of his pretexts will be valid before Allah for not protecting the Prophet." Having said this, Hazrat Sa'd رضي الله عنه expired.

We see from the foregoing example that these selfless people gave practical evidence of their unselfish conduct. We find Sa'd deeply injured, wounds over the body, in the clutches of death. He does not complain or worry about himself in the least. Their main concern, even in such a desperate condition, is the safety

of the Holy Prophet. Even in the moribund state, they are prepared to offer their lives for their beloved leader. May Allah bless him and give him peace over and over again!'

This teaches us to steadfastly adhere to our religion and to ransom ourselves and our wealth for the furtherance of Islam, and to inspire our people and children to follow suit. It is incumbent on parents to leave behind a will calling upon their children and grandchildren to do so. The consequences will be that every Muslim, male or female, will endeavour to devote his life to the cause of Islam engaged in propagating it and working for it. He may then be confident of a rebounding reward and pleasure of Allah in the hereafter.

5. THE WILL OF HAZRAT THABIT BIN QAIS

A unique chain of events is behind the will of Hazrat Thabit bin Qais bin Shumas رضي الله عنه. He was a well-known Ansar Companion of the Prophet. We learn from Hazrat Ata' Khurasani رضي الله عنه that on arriving at Madinah, he searched for someone who could tell him about Hazrat Qais رضي الله عنه and was directed to his daughter. She narrated to him from the accounts of his life. She also related to him the following episode.

After his martyrdom, a person saw him in his dreams. Hazrat Thabit said to the man, "When I was martyred yesterday, a man walked by my body. A beautiful chain lay over my chest. This man stole the chain from my corpse. He resides on the outskirts of the cantonment." Hazrat Thabit then described the place

¹ Fadail a'mal, pp. 191.

where he resided adding, "A stout horse is tied opposite his home. He has hidden the chain under an upturned vessel and has placed a pannier over the vessel. You go to Khalid bin Walid رضي الله عنه and ask him to recover my chain from this man." He then asked his subject to approach Hazrat Abu Bakr رضي الله عنه the Khalifah of the Messenger of Allah عليه الصلاة والسلام and inform him that he owed a certain amount of money and had left behind some property. He also named some of his slaves whom he wished to manumit. He also said to him in the dream, "Do not consider my words trivial because they are a dream. Do follow my instructions."

That man narrated his dream to Hazrat Khalid bin Walid رضي الله عنه who despatched investigators and, sure enough, they recovered the chain. Now the man who had received the message in the dream went to Hazrat Abu Bakr رضي الله عنه and narrated the entire episode to him so that the instructions were followed. We do not know of any other person who has drawn a will after his death.¹

It is worth pondering over that the honourable Companions رضي الله عنهم were very conscious of their responsibilities in this regard. If they could not find time from their duties to Islam to draw up their wills, there are among them like the one who drew up his will moments before his martyrdom. He called upon those under his influence to surrender themselves for Islam and to become its steadfast workers. There is also one who overlooked to write down his will owing to his preoccupation

¹ Tarashay pp 130 citing Maulana Taqi Usmani in al-Bidayah wan Nihayah pp 325.

with religious duties. He had not been able to repay a loan but, by the Grace of Allah and His Mercy, he could give instructions in a dream after his martyrdom.

These were the people of a Sovereign's assembly. Their conduct, even their life and death, were for the sake of Allah, the Gracious, the High. Their aim was to keep mankind away from the Fire of Hell and to put it on the path to Paradise. If they had an ambition, a craving or a longing, it was to see Islam gain acceptance the world over in its entirety. They worked to extract human beings from the worship of their fellow human beings and to divert them to the worship of the Lord of the creation devotedly. They wished to see disbelief and polytheism eradicated from the world. They wanted that every servant of Allah must dedicate himself to seek the pleasure of Allah, admittance to Heaven and deliverance from Hell. Thus, Hazrat Thabit bin Qais bin Shumas رضي الله عنه had this goal before him. It prompted him to give up the life bestowed by Allah in His cause. Then, in a dream, after he has died, he calls upon the Leader of the Faithful, Abu Bakr Siddiq رضي الله عنه to arrange repayment of his loan.

However, we are called upon not to tarry in drawing out a will. We must instruct the members of our family, friends and relatives to devote themselves to religion, to propagate Islam worldwide and to give up everything—life, wealth, time and competence—for it. Pass on this instruction while you are alive and leave it behind in your will.

Likewise, if you had been reckless and borrowed money from someone, or had borrowed out of compulsion, write it down in your will immediately. State clearly your sources and

the amount borrowed against the names. Write down, too, the details of your movable and immovable possessions. Discuss the religious aspects with the *Ulama* and *Muftis* so that regulations of *Shari'ah* are not violated and there is no ambiguity and discord among the heirs. This would prevent any misunderstanding or rift in relations among children, sons-in-law, uncles, nephews, brothers and sisters for the sake of mundane values.

We write down here details on this subject and the method of drawing up a will. May Allah inspire us to read it and to observe the dictates of *Shari'ah* in every field of our lives! May He cause us to write down our will and to realise its significance! *Aameen!*

6. REMEMBERING DEATH

1. Each of us must be careful not to pronounce his sinful activities. The very act of a person declaring his sins is sinful. Allah does not approve that while He conceals the sins of His bondsman, the latter goes on telling everyone about them. Of course, one may remind oneself of one's misdeeds and seek forgiveness for the sins so that the process of reformation sets in.
2. If one commits a sin, he must repent forthwith and do some pious deed. Allah says:

﴿إِنَّ الْحَسَنَاتِ يُذْهِبْنَ السَّيِّئَاتِ﴾ (القرآن)

Indeed, the good deeds remove the evil deeds (i.e. the small sins).¹

Thus, when a person falters and commits a sin, he must immediately offer two *raka'at* optional prayer and seek forgiveness or recite some part of the Qur'an, offer *sadaqah*, deal with someone in a gracious manner, do something nice for his parents and get their blessings, or get something for his wife and children and please them. To please one's friends or subordinates is also an important act of piety.

3. Also, he must distance himself from whatever had prompted him to sin because this is a condition on which pardon is granted.

4. He must not delay in repenting. Rather he must repent spontaneously from the core of his heart and resolve not to repeat the mistake. "O Lord, forgive me!" and he must supplicate in these words three times:

رَبِّ اغْفِرْ لِي وَتُبْ عَلَيَّ إِنَّكَ أَنْتَ التَّوَّابُ الرَّحِيمُ

O my Lord, forgive me. Relent towards me. Indeed, You are the Relenting, the Forgiving.

Remember, a person's conscience and Satan deceive him by suggesting that he may repent later on; however, one never knows the time of one's death. Therefore, do not under any circumstances delay repentance.

5. In reality, repentance is a sense of remorse. Let the sinner seclude himself, ponder over his misdeeds, feel ashamed and think, "Look at myself! The blessings of Allah, how I squander them in disobedient acts!" Besides, an important ingredient of true repentance is a firm resolve not to repeat the sinful deed anymore. In other words, if one has resolved firmly not to disregard the repentance, then it is a genuine repentance. Another ingredient is that whatever lapse has taken place must be compensated whether it relates to violation of the rights of Allah or of fellow human beings.

Remember, repentance is inauthentic if it involves mere verbal repetition. It is tormenting oneself if one assumes that he has gained pardon although he does not fulfil the rights of Allah and is not remorseful while uttering his repentance.

7. THE RIGHTS OF ALLAH

The delayed Prayers

Take account of yourself. From the time you attained manhood till now, how many ritual prayers you have missed. You may not have offered some prayers at all, while some you may have offered symbolically ignoring the requisite conditions. You may have been in an unclean state and not had a ritual bath or ablution whichever was necessary or may have left some other major defect unattended while saying the prayers. Assess carefully until you are satisfied that you have accounted for all the prayers you had omitted. It happens sometimes that out of the five times obligatory prayers only three are offered. Thus when redeeming them, the prayers for the two particular hours that were neglected must be redeemed oftener. Then make a note of the prayers you redeem and the period for which you

¹ Hood, 12:114. The Noble Qur'an, English translation Dr Muhammad Muhsin, Riyadh, 1993.

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O my Lord, forgive me. Relent towards me. Indeed, You are the Relenting, the Forgiving.

Remember, a person's conscience and Satan deceive him by suggesting that he may repent later on; however, one never knows the time of one's death. Therefore, do not under any circumstances delay repentance.

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are offering them in default. An easy way to redeem the neglected ritual prayers is to offer them with the daily five prayers. When offering a prayer, a redeeming prayer for the same time may be offered too. One may offer more than one day's redeeming prayer at one time, so that the prayers are redeemed sooner. Instead of the optional prayers or *ghair muwakkidah sunnah* prayers, the neglected prayers may be redeemed. You may thus estimate that at the rate you redeem them, you will have finished paying off your debt by a particular date. You may then write it down in your will so that the heirs know about it. If you die before all your prayers are redeemed, they may pay the *fidyah* for you.

Apart from the time when it is disallowed to offer a prayer, there is no time bar for offering the redeeming prayers. However, the redeeming prayers may be offered after *Fajr* and after *'Asr* in the privacy of your home or in a mosque in a manner that others do not realise you are offering the redeeming prayers. In this way you will conceal the sin committed in neglecting the ritual prayers when they were due. If you had neglected all five daily prayers, then redeem the five times *fard* and *witr* prayers, twenty in all. On the other hand, if you had missed only some of the daily prayers then you must estimate your debt in this regard and redeem these particular prayers more often than the other prayers. It is not necessary to redeem a prayer at its particular time and when the neglected prayers are more than five, it is no longer obligatory to redeem them in proper sequence. You may offer any outstanding prayer at any time of the day and you may even redeem a number of days' outstanding prayers together in one day.

It is advisable that you redeem your prayers instead of offering the optional prayers or the *ghair muwakkidah sunnah*. The outstandings will be cleared faster by doing so and one may hope to redeem all the neglected prayers before death. Besides, when you redeem your neglected prayers instead of offering the optional *tahiyatul masjid*, *tahajjud* or the *ghair muwakkidah sunnah* before *'Asr* and *'Isha*, you will also earn the reward for the optional prayers you are replacing. However, if you have grown a habit of arising in the midst of the night for the *tahajjud* prayers, you must then offer two *raka'at tahajjud* prayers while redeeming the neglected prayers so that you do not break your virtuous habit of arising at the auspicious hour of the night.¹

Caution:

Do endeavour to offer your prayers according to the *sunnah*. Be careful about these things:

1. While reciting the *surah al-Fatehah*, pause at the end of every verse.
2. Do not hurry while reciting the formula of *rukku'* and *sajdah* (bowing down).
3. When you arise from *rukku'*, stand erect in the *qawmah* and, if you can, recite this prayer:

رَبَّنَا وَلَكَ الْحَمْدُ حَمْدًا كَثِيرًا طَيِّبًا مُبَارَكًا فِيهِ

(بخاری مشکوٰۃ حدیث رقم ۸۱۶)

¹ *ahsanul fatawa*, v 3, pp. 431.

O our Lord, all praise is for You, praise that is plenty, pure and has blessing in it.'

4. Likewise, sit a while between the two *sujood* (prostrations) and, if it is possible, offer this supplication:

اللَّهُمَّ اغْفِرْ لِي وَارْحَمْنِي وَاهْدِنِي وَعَافِنِي وَارْزُقْنِي (مشكوة: ٨٤)

O Allah! Forgive me. Have mercy on me. Guide me. Be kind to me. And, provide me sustenance.

See that you offer your prayers in a perfect style. Get a reliable teacher to help you do this. Consult books on the subject, like the *One Minute Madrasah*. We repeat: Pay attention to your prayers.

Redeeming Unpaid Zakat

Tax your brain and ask yourself these questions:

Since when was *zakat* liable to be paid by me?

Have I paid it faithfully every year?

Do I have any unpaid *zakat* against me?

Once a person owns the minimum wealth prescribed and falls under the purview of *Shari'ah*, he is liable to pay *zakat*. If he has not paid the *zakat* due on him, he must draw up a proper account and calculate *zakat* for each year separately and pay it. If he does not remember his accounts, then he must estimate his obligation discreetly. He must be careful not to under-estimate

his liabilities and it does not matter if he happens to pay more than is due.

Zakat is payable by a woman when she owns her jewellery and her total wealth invites payment. If she had procrastinated in the past, she must now pay her previous liabilities. However, if her husband has not transferred ownership of the jewellery to her but merely given it to her to adorn herself, then he is liable to pay *zakat* on it. He must pay it and write down in his will the amount of unpaid *zakat* and the date when he commenced paying against his liability. He must instruct his heirs to obtain guidance of the *Muftis* on the method of clearing the outstanding *zakat*. The same goes for the *sadaqat-ul fitr*. If he has an unpaid amount against this head, he must redeem it too.

Redeeming Fasts

You must redeem those fasts of Ramadan that you had not observed. Work this out from the time you were bound to fast. Include in this the fasts you could not keep because you were on a journey or you were ill. Calculate your obligation in this respect and redeem the fasts that you did not keep. Find out your obligations against the fasts that you had begun but could not complete. Redeem them according to the instructions. Women who are precluded from observing fasts during certain times must redeem them when the peculiar circumstances are over.¹ Some women are careless in this respect so that they accumulate unobserved fasts spanning over a number of years. They must shake off this negligence and commence fulfilling

¹ these could be during menstruation or childbirth.

their obligations. If, however, they are no longer in a condition to redeem the fasts because of frailty from old age or protracted illness and they have no hope of regaining health, they must pay the *fiḍyah*, instead and must include instructions in their will on the unpaid *fiḍyah*. If a woman dies without leaving instructions, the heirs must, as a gesture of goodwill, pay her debt out of their wealth. While they are under no compulsion to make this payment they may do so out of goodwill of their own accord.

Performance Of Hajj

When a person does not perform *Hajj* although he is liable to do so and all requisites of the journey are available, then he must repent on his dereliction and make amends by performing *Hajj*. The conditions of journey include the availability of a *mahram* for a woman. If owing to old age or ill health, he is not able to travel and has no hope of regaining vitality before death, he must arrange for a proxy to perform his *Hajj*. This is known as *Hajj-e-Badal*. He must consult the *Ulama* on this action before he sends his deputy for the *Hajj*.

If his heirs arrange for his *Hajj* to be performed at their own expenses, then it is a commendable act. Otherwise, if he cannot arrange for his *hajj-e-badal*, then he must write it down in his will. He must know, however, that a person can allocate only one-third of his possessions at his discretion while the rest is distributed as prescribed in the *Shari'ah*. The other way out is for the adult heirs to reimburse any shortfall from their own shares, if they are inclined to do so. They may even opt to bear the entire expenses. We are told in a *Hadith* that *when a person performs hajj-e-badal for his parents it gains approval and their souls are given the glad tidings and this person is regarded as an obedient child of his parents although he may*

*have disobeyed them when they were alive. From another narration, we learn that when a person performs hajj on behalf of his parents, the reward of one hajj is credited to the parent and of nine hajjs to him who performs the hajj.*¹

8. RIGHTS OF FELLOW HUMAN BEINGS

The repentance of a person may meet approval if he grants the rights of fellow human beings. Further, their rights need to be fulfilled because they are not waived by mere repentance.

We may find different examples of this. A person usurps another's property or wealth, or borrows money from someone, then it is not enough for him that he repents but he must return the wealth, or repay the money to its owner whether the later remembers it or not. The same applies when one misappropriates or takes something from another while joking with him and he was not inclined to part with it. It is a like matter when a person takes interest from another or cheats him earning a profit thereby. In all these cases the money, wealth or property must be returned to the owner. Where the acquisition is without the knowledge of the owner, it is not necessary to tell him, when returning it, how it had changed hands: one may even return it as a gift.

9. VIOLATION OF THE RIGHTS OF YOUNGER BROTHERS AND SISTERS

It often happens that elder brothers appropriate the possessions of their father on his death bypassing the rights of

¹ *Fadail Sadaqat*, pp 268 citing *Rahmat ul Mahdah*.

their sisters given to them by *Shari'ah*. This is a case of cruelty. It is *haram* (unlawful) to appropriate to oneself the share of the female heirs that Allah has given them. If they do not demand their share, it does not follow that they have relinquished their rights. Where wealth and property are concerned, the prevalent practice that silence implies a waiver is unreliable; a false customary waiver is unreliable too. More so when there are minor brothers and sisters among the heirs. Their willingness to forego their share is not recognised by *Shari'ah*. In the same way, it is wrong to usurp the wealth of a brother on his death and override the rights of his widow and children. It is like filling oneself with the unlawful. Such people fill their bellies with the fire of Hell.

Thus, whatever a person has appropriated of the possessions of his brothers and sisters or orphans, he must commence returning the ill-acquired wealth to the rightful owners. This requirement is more pronounced when he has taken to repentance. If he cannot return all at once, he may repay gradually but instruct his heirs in his will to pay the outstanding amount to persons named. If his wealth is not enough to reimburse them, he may request his relatives, in his will, to do so for him in a gesture of goodwill.

Remember, it is very cruel to deprive one's sisters and younger brothers of their share of inheritance of the possessions of their father out of attachment to one's wife and children. A brother cannot comprehend the love his sister has for him. Her love is pure and deep-seated. Brothers, on the other hand, are supposed to be *manly* and not expected to relent! A brother does not have a soft-corner for his sister while she is softness personified for him. He must realise that both of them are

offshoots of the same tree. Every drop of blood that runs in her veins is dedicated to the love for her brother. We may say this pure, natural blood intoxicates her with the love for her brother.

The female Companions *رضي الله عنهن* also retained such a love for their brothers. Thus, when her brother Abdur Rahman *رضي الله عنه* died, Hazrat Aishah *رضي الله عنها* composed an elegy that received universal acclamation. This elegy is found in Tirmizi, the well-known collection of *Ahadith*.

كنا كند ماني جزيمة حقة من الدهر
حتى قيل لن يتصدعا
فلما تفرقنا كاني ومالكا
لطول اجتماع لم نبت ليله معا

We were like the two friends of Jazimah who remained together so long that it was said of them they will never part. But when the two of us parted, although we were together so long, it seemed as though we were never together even a day.

This is the love of sisters for their brothers! Thus, it is upon a Muslim brother to allow his sister the right she has received from their father. To usurp her right is to fill one's belly with the fire of Hell! Let every Muslim brother take care of his sister and earn her prayers. In fact, give them more than they deserve. Let them not feel the loss of their father. Do not entertain the wrong notion that you have given them their rights if you have sponsored their *Hajj* expenses, spent on their marriage

ceremonies, employed their sons at lucrative salaries or provided education to their children. These acts do not absolve you from your obligations.

Look at it this way. Suppose someone owes you a sum of money. Now, when he presents a diamond necklace to your daughter as a wedding gift or offers generous gifts to your children on Eid day, would you forgo your right over him or agree with him that his loan stands paid because he has been liberal in bestowing gifts to your children? Your feelings would match those of your sisters when you speak similar words to them. Look at it further! A father leaves behind some wealth so that the share of a step sister works out at rupees one million. The brothers conspire to subscribe to her *Hajj* expenses amounting to rupees fifty thousand and allot to her rupees three hundred each month towards her expenses. Then, they claim immunity from having to pay her any more money.

On the Day of Resurrection, you will have to account for your deeds before the Most Just of the judges. Why not, therefore, settle your dues today while you still can! Let your brothers and sisters have their unpaid shares, now.

Let it be clear that it is more necessary to repay him whose rights you have trespassed than to offer optional *Hajj* or *Umrah* or to donate to mosques, *madrasah* and orphanages. This is more important if the rights relate to your sisters. By letting them have their rights, you will not be favouring them but you will be doing good to yourself and to your children. You will protect yourself and your children from devouring the unlawful and thus from the misfortunes of this life, the torment of the grave and the tense questioning in the hereafter.

It often happens in trade and business that when they suffer a loss, businessmen believe they are not obliged to repay their debts. It is not so! The debts must be repaid when the monetary position of the debtor improves unless the creditors forgive him on their own accord without persuasion or threat.

If a person had defrauded some people, extracted more money by misrepresentation, or taken bribe, he must trace out the victims if they are alive and return their money if he is able to. If he is unable to recompense them monetarily, he must request them to forgive him until they are pleased with him. However, if he gets a minor to forgive him, this forgiveness is invalid; it is essential that a minor be given his right. If the violator is unable to repay a minor, he must seek someone to help him repay. He must do the same thing when an adult victim refuses to forgive the violator and forgo his rights. In such cases, he must request for time and repay gradually but if the victim dies before the amount could be repaid to him, he must continue payment to the legal heirs of the victim.

If a Muslim victim cannot be traced, he must pay the outstandings as a *sadaqah* on his behalf to those who are entitled to receive *zakat*. In addition to this, he must always pray for the victim and ask for Allah's forgiveness for him. This must be done even when the rights breached are not monetary. When a non-Muslim's rights are violated, he must apologise to him and if monetary rights are involved, he must arrange to repay him or his heirs if he is not alive. However, if a non-Muslim creditor cannot be traced or is dead, and has left no

heirs or they cannot be traced, then the money payable to him may be donated to a noble cause; the debtor is not bound to give it in *sadaqah*.¹

Similarly, often a wife is not paid her *mehr* (dower). It also happens that her husband does pay it to her but her father seizes it on the plea that he has already spent much on her upbringing and needs to cover the wedding expenses. Whatever the case, the dower is the rightful property of the woman and must be repaid to her by whoever has defaulted. The pleas of the father do not hold water and if he has taken away her money, he must return it to her even if he has used it up. As for the husband who lives under the illusion that he has obtained waiver from her, he must realise that she had forgiven him under constraint compelled by custom. Often, women feel that they will never receive their dower anyway so it is better for them to forgive it. This concession is invalid because it leaves her no option but to forgive. Besides, in monetary dealings the customary silence cannot be taken to be an assent. Therefore, a defaulting husband must make amends and pay his wife her dower.

When a person dies, it is a custom to feed the poor and needy from his wealth and his clothes are distributed to the poor as charity. It must be known that these things no longer belong to the dead person but are the property of his heirs. Thus, if all his heirs are grown-up and mature, and are accessible, these things may be done with their consent without violating the dictates of *Shari'ah* or adhering to custom and *bid'ah*. However, even if one of the heirs is minor or immature, he must

¹ *Islami maishat kay bunyadi usool*, Mufti Abdus Salam.

be given his full share at any cost and his consent to the charity is defective and of no consequence. Many heirs fail to pay the debt of the dead from his possessions. They retain everything although it is most obligatory to pay his debts after paying his funeral expenses whether his instructions in this regard are available or not. Failure to pay debts is being unkind to the dead and to oneself too.

10. RIGHTS OF PERSONAL HONOUR

According to a *Hadith*: *A poor person is one who arrives on the Day of Resurrection with abundance of pious deeds against his name. However, in his worldly life, he might have abused someone, cast aspersion on an innocent person, grabbed someone's property, committed murder or thrashed someone. Now, these people will be paid in compensation this man's pious deeds. When the claimants are not yet satisfied while his pious deeds are exhausted, their sins will be put over him.*

Therefore, my dear brothers, let us implore those we have wronged in any way to forgive us. We may pay up our debts. If we have indulged in backbiting, let us now do what *Shari'ah* tells us, ask the victim to forgive us and invoke blessings on him, praying for him much and doing good on his behalf whether he is alive or dead. Perhaps, seeing these invocations on the Day of Resurrection, he may forgive us.

We have abridged this from the *Fadail Tawbah wa Istighfar* by Maulana Ashiq Ilahi may Allah perpetuate his blessings, and some other books. Those who wish to go into the details may read these books. Also, answers to problems peculiar of different persons may be obtained by presenting them to the esteemed *Ulama*.

11. A WILL THAT CONTAINS INSTRUCTIONS

﴿أَوْصِي نَفْسِي وَإِيَّاكُمْ بِتَقْوَى اللَّهِ﴾

I draw a will calling upon myself and you to fear Allah.

1. Dear Children, be thankful to Allah under all circumstances. This is the best prescription to fight off every difficult situation and to gain enhanced favours.
2. When you were very young, you were loving and considerate to one another. Do not forget this in your later lives when you are married and have children, even in times when this love and regard is put to test. Do not get so involved in the love of your wife and children and wealth and property that you snap ties with your brothers and sisters and omit to serve and respect your mother. These ties are at once so sensitive and invaluable that you will not be a loser if you forgo colossal wealth to maintain them. Never forget that by loving one another and holding together, you will not only gain the pleasure of Allah and advantages in the hereafter but also earn solace, comfort, honour and progress in this life.

(A) The Holy Prophet ﷺ has said:

﴿أَنَا زَعِيمٌ بِبُيُوتِ رِبْضِ الْجَنَّةِ لِمَنْ تَرَكَ الْمَرْءُ وَإِنْ كَانَ مُحِقًا﴾

(ابوداؤد: ٤١٦٦٧)

I guarantee a house in the centre of Paradise to the person who shuns quarrel even though he is on the right. Thus we must act on the teachings of this Hadith and mould ourselves so that we avoid disputes and quarrels to get our rightful dues no matter how plenty they are; we may go so far as to relinquish our rights to prevent controversies. If we act so, we will get a better and higher recompense in this world Insha Allah, the

assurance of a perpetual residence in the midst of Paradise notwithstanding. Is it not wise to give up the fleeting valuables of this life for an everlasting bliss in Paradise?

(B) Be regular in offering the five times ritual prayers. Let the grown up boys go to the mosque to join the congregation. By the Grace of Allah, you have your own businesses so that when you hear the *azan*, cease your business. You will motivate others around you to follow suit so that they too will be inspired to offer the congregational prayers. The subordinates everywhere will benefit from the congregational prayers too. I also call upon the female members of my house, my daughters and daughters-in-law included, that they must suspend their activity on hearing the *azan* and prepare to offer the prayers. They must not procrastinate on the misconception that they will say the prayers after finishing whatever is on their hands; otherwise, they will miss the *mustahib* (recommended) time and may even enter into the *makrooh* (undesirable) period approaching the deadline when the time for the prayers elapses.

(C) My children, keep aside, besides *zakat*, one-tenth or one-twentieth of your income for generous causes. Alternatively, keep aside a fixed sum of money each month or every year. This money may be used for the care of the needy, to supplement the salary of those who cannot make two ends meet, to provide a source of income to the unemployed, to meet the marriage expenses of a girl, to donate to mosques or *madrasah*, or to serve the guests who have travelled to your locality in the cause of Allah. The honourable Grand Mufti of Pakistan, Mufti

Muhammad Shafi, commends this deed: "The blessings of this method are that when a need arises to spend on a virtuous goal, one is not at a loss finding where funds will come from." Thus a person who earns rupees three thousand a month, may keep aside rupees thirty or more if he can; he whose income is rupees thirty thousand each month may allocate rupees three hundred to three thousand. The money that you set aside will remind you, while it grows, that you must find a virtuous cause to spend it. It will compel you to put it to noble use. You too must convince yourself that you have a partner who has to be paid his apportioned share. Open a separate bank account for it or keep the money in a distinct box marked 'for the cause of Allah'.

Instruction To Inter The Body Speedily

3. Remember, if I die away from my native land, do not bring my corpse to my homeland. Arrange for its burial in the Muslim graveyard of the place where I die. If you disregard my instructions, the sin will rest on you because *Shari'ah* is explicit in declaring that a Muslim must be buried in whichever place he dies. Do not inter my body in a private place but in a common graveyard of Muslims. *Shari'ah* is very clear too that we must expedite burial of our dead. We find this command in a *Hadith*. The gist of the saying is that *if the dead person was pious then take him to a place better than the unpleasant world but if he was wicked then shed off his evil from your shoulders as quickly as you can.*¹ Besides, where the transportation of the corpse involves other difficulties, it disobeys the command of

¹ Mayray walid mayray shaikh pp. 155.

² Mishkat, hadith # 1554, pp. 144.

the *Hadith* to expedite burial. The transfer of the corpse from one place to another, within a country or from country to country, takes time and the funeral prayer and burial are delayed so that the instructions of the *Hadith* are outraged. The command to hasten burial is so inflexible that the funeral prayers may not be delayed even if the time is *makrooh* (undesirable); we are not required to wait until the *makrooh* time is over. Pay attention to what the Holy Prophet ﷺ has said to Hazrat Ali رضي الله عنه. *O Ali, do not delay three things, the prayer when it is due, the funeral when it is ready, the marriage of a girl when you have found a proper match for her.*¹ The Arabic words are:

﴿الصَّلَاةُ إِذَا آتَتْ﴾

﴿وَالْجَنَازَةُ إِذَا حَضَرَتْ﴾

﴿وَالْأَيِّمُ إِذَا وَجِدَتْ لَهَا كُفْرًا﴾

Husain bin Wahooj narrates that Talha bin al-Barra رضي الله عنه was taken ill. The Messenger of Allah ﷺ visited him. Seeing that his condition was very bad, he said to the others: *I sense that he is on the throes of death. If he dies let me know and I make his funeral arrangements straightaway because it is not proper that the dead body of a Muslim remain among his family members for long.*²

¹ Tirmizi vi 1 pp 26, (Kitab us Salah) Masnad Ahmad v 1, pp 105.

² sunan abi Dawood v 2 pp 94, published H M Saeed.

Hazrat Abdullah bin Umar رضي الله عنهما reports the Holy Prophet عليه الصلاة والسلام as saying: *When any of you dies do not keep him in the house for long. Take him to his grave quickly and bury him. Recite the first five verses of the surah al-Baqarah keeping yourself on the side of his head and the last verse of this surah while you stand towards his feet.*¹

Dear children, when you perform *Hajj* or *Umrah* (and may Allah give you the opportunities often!), you will observe that the honourable Companions رضي الله عنهم who were martyred in the Ghazwah² Uhud were buried near the mountain of Uhud itself. They were not taken to the graveyard, *Jannat ul Baqi*, about three miles from Madinah. There were suggestions from some Companions رضي الله عنهم to take them there for burial but our beloved Prophet عليه الصلاة والسلام asked someone to announce:

﴿رُدُّوْا الْقَتْلَى اِلَى مَوَاطِنِ مَوْتِهِمْ﴾ (مشكوة حديث: ١٦٠٨)

*Let the martyrs be buried where they are!*³

This lays stress on the instructions of *Shari'ah* that a dead person may be buried in the place of his death. We learn too that the corpse of the brother of Hazrat Aishah, Abdur Rahman Allah be pleased with both of them was brought to Makkah for burial. When she arrived at Makkah, she lamented,

﴿وَاللَّهِ لَوْ حَضَرْتُكَ مَا دَفَنْتُ اِلَّا حَيْثُ مِتُّ﴾

¹ Bayhaqi (shah ul Iman), Mishkat hadith # 1620.

² a large army unit under the command of the Prophet عليه الصلاة والسلام.

³ Ahmad, Tirmizi, abu Dawood, Nasai, Mishkat hadith # 1608.

“Were I there I would not have buried you but at the place of your death.”

She meant to say that if she were there when her brother died she would not have taken the corpse to Makkah for burial. Therefore, dear children, arrange burial of my body at the place where I die. My dear relatives, it is a happy augury for a Muslim that his death occurs at a place distant from his land of birth. Further, it is an added blessing that he dies while he is engaged in disseminating the religion of Allah the world over. How blessed it is for him that his hour of meeting his Creator comes and he is as far away from home as possible. Many of the Companions رضي الله عنهم died while they were away from home occupied in spreading the religion. Just as every moment of their lives was devoted to propagation of the word of Allah so too were their deaths in this cause. Similarly, when a person travels in pursuit of lawful earnings and dies during the journey, his death too is a blessed one. It is unfortunate of his relatives and near and dear ones to have the dead person's body brought back home. This is a clear breach of the directives of *Shari'ah*. They do not realise that death during a journey is a blessing. The fact is that a peaceful death during journey is a very glorious death, especially so if the journey is towards a religious end.

A *Hadith* is found in three books of *Ahadith* — the Nasai, ibn Majah and Masnad Ahmad — that quotes Hazrat Abdullah bin Umar رضي الله عنهما as saying that a Madinite person died in Madinah itself. The Holy Prophet عليه الصلاة والسلام led his funeral prayers. Afterwards he remarked: *Would that he had not died*

at the place of his birth! Someone asked him, "O Messenger of Allah, why so?" He said: *When a person dies away from his native land, the distance between his grave and native land is measured for him in Paradise.*¹

In their commentary on this *Hadith*, the Traditionalists explain that the grave of the person is widened up to the place of his birth and a door that leads to Paradise is opened for him.²

Thus death during a journey, more so if the purpose of the journey is to serve Allah, and burial away from the native city, is very fortunate. So do inter me in whichever land I die.

4. Do not wait for anyone before offering my funeral prayers, not even for a nearest relative, an eminent religious personality, or a large gathering. When the corpse is readied, let those who are present offer the funeral prayers over me and take my corpse to the graveyard for burial. The mercy of Allah is on them who act according to *sunnah* even if there are a few people in the funeral, but this mercy is not the lot of those who neglect the *sunnah* by delaying the funeral even though they may manage a large assembly. While laying my corpse in the grave remember to place it as shown by *sunnah*. Let me lie on my right side towards the *Qiblah*. Let it not be that you place me straight on my back only tilting my face towards the *Qiblah*.

Do not invite people to gather for a recital of the Qur'an to dedicate the reward³ thereof to me. Let everyone go on doing

¹ Masnad Ahmad, hadith # 6329, Sunan Nasai' (the chapter of funeral hadith # 1809).

² from the commentary to ibn Majah pp. 117, hadith # 1603.

³ the Urdu terminology *easal-e-sawab* implies the doing of something virtuous and consigning the reward thereof to someone. I have translated it variously as

individually whatever he can to direct its virtue and reward to me. The reward against a monetary contribution may be requested for me by donating money to a noble cause or by quietly helping a widow, an orphan or a needy so that the left hand does not know what the right gives. We must realise that a dead person does not benefit by our actions aimed at earning praise or by our customary invitation to people neither do we gain anything. For example, on the third day after death, a large number of relatives, friends and acquaintances assemble for the recital of the Qur'an. What brings them there? Do they not attend to please the surviving family members? Many cannot even read the Qur'an but they attend so as not to displease the clan. Among the women in the gathering, there are those that commit mistakes in reciting the Qur'an, but they persist in the recital to fight off censure by their female counterparts. This gathering is generally known as *Soyem*.

The recital is followed by luncheon. The aim is to keep up one's appearances. The invitees are all well fed people. If, by any stretch of imagination, we may condone these ceremonies, how may we approve the invitations sent out on a sad event on the plea of conveying reward to the dead? This is the worst type of innovation in religion. Therefore, do avoid this invented custom; do not follow it. My dear children, it is noteworthy that none of the Companions *رضي الله عنهم* nor our beloved Prophet *عليه الصلاة والسلام* ever collected together for a recital of the Qur'an on the death of any of their associates. Not on the third day after death, not on the tenth or the fortieth day; they never

dedicating/conveying/consigning/surrendering or giving over the reward to.....

invited others and never fed people on such occasions. Surely, if it were a virtuous act, they would have been foremost in doing it.

We do not find a single *Hadith* to support this evil practice, to show us that the Companions had assembled in the Masjid Nabavi for the recital of the Qur'an on the death or martyrdom of one of their contemporaries. It is clear, then, that this practice of gathering people on a death is an outcome of Hindu culture that we have seen during our contact with them over the years.

Therefore, guard yourselves from erroneous customs and exhibitionist acts. If, in spite of my advice and warning, you hang on to these wicked activities, the sin will be on you. I have very clearly conveyed to you the command of Allah and His Messenger عليه الصلاة والسلام in this regard.

I repeat that if you are adamant in disregarding the *sunnah* even after I have asked you not to do so, the sin thereof will be upon you. The sinful acts include delaying the funeral prayers, laying wreaths on the grave, observing the *soyem* (the third day) or the tenth or fortieth day and so on, gathering together people for directing reward to the dead, feeding the rich, or transporting the corpse from place to place.

It must be understood that in the estimation of Allah, a small act that is according to the *sunnah* is better than many large deeds that contravene the *sunnah*. May Allah inspire us to emulate the *sunnah* of His beloved Messenger عليه الصلاة والسلام and to avoid every such act that finds no precedence with him. *Aameen!*

How Then To Consign Reward?

5. Every day, from now on, seek the forgiveness of Allah for me and pray for His pleasure. Make it a practice to consign reward to me by a minimum recital of *surah Ikhlas* three times.

6. It is my misfortune that I could not get you to memorise the Qur'an. It is my request to you to see that my grandsons who are very intelligent by the Grace of Allah may do so. Admit them to the *Ulama's* course. This will enable them to work for Islam and to propagate it worldwide. We will get a great reward against this. Do also provide full religious training to my granddaughters. Supervise over them and examine their deeds.

My dear children, do not neglect to recite the Qur'an. Recite it every day. Offer the five daily prayers. All male members of the house, including ten-year olds, must offer their prayers in the mosque being careful to be there in time for the congregation so as not to miss the *Takbeer-Oolaa* (the beginning of the prayer, the first *Allah-u-Akbar*). The women may say their prayers at home immediately after *azan* is said. Further, do something for the religion of Allah every day. This will get us the pleasure of Allah on the Day of Resurrection. The easiest way is to put in as much time as can be and to spend with an open heart in the way of Allah. May Allah be your Helper!

My instructions in this will to my daughters, granddaughters, daughters-in-law and other female members of my house are that they should veil themselves as proposed by *Shari'ah*. They should not indulge in backbiting and slander. They must not harm anyone or engage in traditional quarrels with mothers-in-law, daughters-in-law or sisters-in-law. This diminishes the love between husband and wife so that the discord between the two

ruins their lives in this world and the next and has a similar effect on their children. Show proper respect to your husband and obey him in his lawful demand. Read the Urdu books *Tuhfah-e-Dulhan*, *Tuhfah-e-Khawateen*, *Islah-e-Khawateen* and *Islahi Khutbat* sermons of Hazrat Maulana Muhammad Taqi Usmani. The secret of success in this world and the next lies in study of such books. May Allah be your Helper! *Aameen*, O Lord of the worlds!

7. Do not publish my photograph in the newspapers howsoever I happen to die. Do not let anyone else do it either.

8. Immediately after I die, tear up and burn my photographs on the identity card and passport, driving licence and so on.¹ No one may keep with him my picture or its duplicate copy. This is because it is a grave sin to photograph oneself or get one's picture drawn, to keep it or use it unless pressed by extreme exigencies recognised by *Shari'ah*.

9. I repent all my sins whether known or secret. I request everyone, who has them, to burn my photographs or pictures, or any picture that I may have made unmindful of the hereafter. I do not want that my sin may survive after my death. Righteous people have said, "A person is very unfortunate who dies but leaves behind the sin that he had committed (or, its signs)." Similarly, if I had procured for someone anything that is sinful or aids in the commitment of a sin, or I encouraged him to obtain it, he may please destroy it. He may not use it under any circumstances. Again, if I may have taught anyone an unlawful

¹ or surrender to the authorities where local laws so require.

ability that enables him to deceive others, to repair a television set or the like, to cast a statue or draw a picture of an animate, to play a musical instrument or repair it, to stitch indecent clothes, or to practice magic or astrology — he may refrain from this unlawful act. If he does not stop doing it, I will suffer the torment in the hereafter. He may also repent for having done it. May Allah preserve every Believer, male of female, from being disobedient to Him. *Aameen!*

10. When I am taken ill or become unconscious and am under treatment, care must be taken to keep me covered as prescribed by *Shari'ah*. Attention must be paid to other factors too, like purity, ablution, facing the *Qiblah*, ritual prayers, keeping non-mahram (strangers) away, removing photographs of living things even if they are on medicinal containers and to note down my instructions in my will. In all affairs, religious obligations must be adhered to. Such a person must be appointed to look after me as will adhere to the religious injunctions and cause others to follow them, and will contact the *Ulama* for advice.

11. If in the unconscious state, or while dying, I give an instruction to be added to my will, it must be preserved as I speak but action on it must be delayed until the opinion of the *Ulama* or *Muftis* is had on it. This is necessary because it is unlawful to make a will that is against the spirit of *Shari'ah* and it is also unlawful to obey such a will or instruction. We have the example of the will that allocates more than one-third wealth at the discretion of the dying person; this contravenes directions of *Shari'ah* and is only allowed to pay outstanding debts. It is also unlawful to will anything to an heir even if it is

less than one-third of the wealth. It is not proper for the heirs to act on an unlawful will.

The Holy Prophet ﷺ has said: *A slave of Allah worships Him for sixty years but while dying draws a will that is harmful to someone; his destination is Hell.*¹

12. The custom that calls for a last glimpse of the dead is replete with many things that *Shari'ah* looks down upon and must be done away with. Other things that need be discarded are the laying of flowers or a wreath on the grave and the lighting of *agarbatti*² These things were not done at the grave of the Holy Prophet ﷺ or of any of the Companions or *Taba'i*.³

We do not find a single *Hadith* or instance in the lives of the Prophet ﷺ, the Companions, or the *Taba'i* to support the custom of placing a wreath on the graves. If it was a virtuous deed, these people would have done so definitely because they never let go any virtuous deed undone. As for an *agarbatti* or anything similar, it should not be used because the element of fire is there which is not a good omen for the dead. These customs have crept into our lives because of our long association with the Hindus. May Allah inspire all Muslims to act on every *sunnah* of our beloved Prophet ﷺ and to keep away from every *bid'ah* (innovative act).

My children, do not plant a green branch at my grave. It has no force to ward off torment within the grave. The mitigation of punishment in the grave attributed to a green branch planted by the chief of the Prophets ﷺ was due to his blessings and miracle and not due to the green branch. Mark it! This is why no one in the times of the Prophet imitated this act although those people were never slow in acting as the Prophet did. The Prophet ﷺ did not ask his Companions or the general body of Muslims to do this.¹

13. After my death, be sure to follow the directives of *Shari'ah* at every stage. Seek guidance from the *Ulama*. Do not do anything that has no parallel in the life of the Holy Prophet ﷺ or his Companions رضى الله عنهم. Give up all practices that have found their way in our culture and lifestyle from our long stay with the Hindus of India or that have been borrowed from other cultures. Keep away from innovative practices and also find ways to keep fellow Muslims away from them.

14. When the funeral is brought out of the house, it generally happens that women wail and approach the entrance to the house unveiled although strangers may be there. Do not let them do so. Further, no woman of the house, not even a young girl, may accompany the funeral. They may not even visit the grave later on. They may stay at their respective houses avoiding undesirable acts so that their abstinence itself will fetch me a reward. They may remember to pray for me.

¹ *Mishkat*, pp. 266, *hadith* # 2935.

² a candle made of aloe wood; it emits a fragrant smell when lighted.

³ successors of the companions, a generation after them, a *Taba'i* could be said to be an epigone

¹ taken from *Ikhtilaf-e-Ummat aur Sirat-e-Mustaqeem*.

15. Already I have begun to teach my wife the rules of 'iddah.¹ When I am dead, let her abide by the rules peacefully.

16. Create in yourselves a love for every *sunnah* of the Holy Prophet ﷺ. Act on each of them as far as possible. The righteous people hold that to enter the toilet in the manner shown by the *sunnah* is better than to offer two *raka'at* optional prayer in a manner that neglects the *sunnah*. Do not so much as belittle the *sunnah ghair muwakkidah* (non-prerogative *sunnah*), what to say of the *muwakkidah sunnah*. Use *miswak* for cleaning the teeth. Keep your head covered. Dress up according to the *sunnah*. Lay the table spread on the floor and eat there. Use your right hand for various dealings. Wear your lower garment so that it is raised above the ankles. Consult the respected *Ulama* on the exalted practices of our beloved Prophet ﷺ. See that your face resembles the face of the Prophet. Read commendable books, like the Urdu *Uswah-e-Rasul-e-Akram sallallahu alaihi wa sallam*, *Ma'ariful Hadith*, *Tarjuma-us-Sunnah*, *Shama'il Tirmizi* so that your love for the Prophet ﷺ increases. Collect all the people of your house at an appointed time of the day and read to them from one of the books just mentioned.

Dear Children, let it not happen that when we are before our Creator on the Day of Resurrection, the faces of some of us recall the faces of the enemies of the Prophet ﷺ clean shaven! Allah has fashioned the faces of men and women differently. Thus the man who shaves his beard so that his face

¹ the period of waiting during which a woman confines herself to her house after divorce or death of her husband; she may, if she wills, remarry after the period is over.

imitates a woman's, is guilty of trying to alter the creation of Allah. May Allah cause us all to pursue the ways of our beloved Prophet! May He inspire us to propagate these ways worldwide! *Aameen!* Dear Children, go on doing good. Practise piety of whatever type you can, however you can, wherever you can, with whomsoever you can and howsoever long you can! Do not consider any act of piety too small. Allah is pleased with whatever pious and good deed you do.

Signed Your dear father

Signed Your dear mother.

12. HOW A LAY MUSLIM MAY WRITE HIS WILL

A simple and easy way to write a will is to set aside a note book. Give it the title, 'My Will, Necessary Memoranda'. If this is not possible, then fill in the proforma that follows filling-in the blank spaces.

Leave a number of blank pages for different items, like 'Rights of Allah' and 'Rights of fellow human beings'. Often it happens that an instruction or something else already written down becomes redundant and unnecessary or it needs to be amended or added upon. We give here a proforma. You may use it with necessary changes.

Rights of Allah

Ritual Prayers.

From the time I gained maturity and it became obligatory on me to offer the ritual prayers, I have failed to meet my obligations in this regard for _____ (x) years. Calculating six prayers a day, including the *witr*, it amounts to _____ (6 multiplied by 365 = y) prayers in a year. This means that I have

to redeem _____ (xy) prayers (one year's prayers, y, multiply by the number of years). This includes the prayers that I missed during my journeys or because of ordinary illnesses and subsequent weakness. The *fidyah*¹ liable to be paid by me per prayer is the value of two kilograms (or two kilograms and a quarter) pure wheat (say, z); so that for the total number of years (x), it will work out at _____ (xyz).

As of today _____ (date), I have begun to redeem _____ prayers per day as best as I can. I will enter into this book the prayers as I redeem them. On my death, please work out the numbers of prayers standing against my name that will be the number of prayers against which *fidyah* is to be paid.

It must be borne in mind that ritual prayers is a form of physical worship. There can be no substitute for it. Also, a person cannot pay *fidyah* against the unsaid prayers while he is alive. Therefore, be grateful for the sound health that you enjoy and begin redeeming the prayers standing against you. If the outstanding is not cleared until death, *Shari'ah* is lenient and provides an opportunity—it is a command—to write down these things in the will so that the heirs may pay the *fidyah* from the dead man's one-third wealth. Once this meets the approval of Allah, the defaulter is acquitted and no sort of punishment is meted out to him on this account. Thus, if a Muslim has failed to offer some of his prayers, he must write down the fact in his will and allow his heirs to pay the *fidyah* for him from his wealth.

¹ recompense in kind or its monetary value.

Fasts.

Since the time I attained the age when it became obligatory for me to observe the fasts of *Ramadan*, I did not keep _____ fasts. Also, I have not kept _____ fasts against vows by which I had bound myself. I am doing my best to redeem these fasts. When I die, find out from my note book, 'My Will, Necessary Memoranda', the number of fasts that remain to be redeemed. Pay the *fidyah* against these from the one-third of my wealth. The rate of *fidyah* is the same as mentioned under Ritual Prayers.

A Clarification. When a person is afflicted with an illness and is virtually beyond recovery, or is old and senile so that he cannot be expected to regain health and to fast, he may pay the *fidyah* during his life time but he must obtain a ruling from a Mufti.

Zakat.

I have not paid yet *zakat* for _____ years amounting to rupees _____. I have now begun to pay against this outstanding. After my death, please see 'My Will, Necessary Memoranda' and if you see an amount that remains outstanding, please arrange to clear it. I call to your attention the words of the honourable Grand Mufti of Pakistan, Mufti Muhammad Shafi. He said:

It is not enough that you pay *zakat* that is due on you. It is also your responsibility too that you pay it at the right place. We are not absolved of our responsibilities by simply setting aside the amount of *zakat* or paying it out. It is our duty to deliver it where it is needed. The habit of our people to

to redeem _____ (xy) prayers (one year's prayers, y, multiply by the number of years). This includes the prayers that I missed during my journeys or because of ordinary illnesses and subsequent weakness. The *fidyah*¹ liable to be paid by me per prayer is the value of two kilograms (or two kilograms and a quarter) pure wheat (say, z); so that for the total number of years (x), it will work out at _____ (xyz).

As of today _____ (date), I have begun to redeem _____ prayers per day as best as I can. I will enter into this book the prayers as I redeem them. On my death, please work out the numbers of prayers standing against my name that will be the number of prayers against which *fidyah* is to be paid.

It must be borne in mind that ritual prayers is a form of physical worship. There can be no substitute for it. Also, a person cannot pay *fidyah* against the unsaid prayers while he is alive. Therefore, be grateful for the sound health that you enjoy and begin redeeming the prayers standing against you. If the outstanding is not cleared until death, *Shari'ah* is lenient and provides an opportunity—it is a command—to write down these things in the will so that the heirs may pay the *fidyah* from the dead man's one-third wealth. Once this meets the approval of Allah, the defaulter is acquitted and no sort of punishment is meted out to him on this account. Thus, if a Muslim has failed to offer some of his prayers, he must write down the fact in his will and allow his heirs to pay the *fidyah* for him from his wealth.

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It is not enough that you pay *zakat* that is due on you. It is also your responsibility too that you pay it at the right place. We are not absolved of our responsibilities by simply setting aside the amount of *zakat* or paying it out. It is our duty to deliver it where it is needed. The habit of our people to

calculate their liability in this regard and then pay the money to whomsoever they like does not liberate them from their duty. We have to search out the most worthy person who needs it most but does not beg of people.¹

Hajj.

Hajj was obligatory on me but it is my misfortune that I did not perform it. Hence, if my wealth is enough to meet the expenses, choose someone from our own city to perform my *Hajj*. If my wealth is not enough for the purpose, someone from Jeddah or thereabouts may be asked to do so. The person chosen to perform *hajj* on my behalf must be religious-minded and one who meets the standards set by *Shari'ah*.

Offering the Sacrificial Animal.

Although I was obliged to offer sacrifice on Eid-ul-Adha, I lagged behind in doing so on _____ occasions out of carelessness or unforeseen circumstances. I estimate the value of the animals over these years to be rupees _____. However, out of this outstanding, I have already given rupees _____ in charity and you may see from 'My Will, Necessary Memoranda' if I still have not cleared the outstanding; if there is an unpaid balance, please pay it on my behalf.

¹ from *Mayray walid mayray shaikh aur unka nizaj aur mizaj* by Mufti Muhammad Taqi Usmani.

Sadaqat-ul-Fitr

By the Grace of Allah, I do not have any unpaid amount under this head. I have paid my dues under this head, and on behalf of my children, regularly.

Kaffarah (Expiation)

In expiation of the vows that I had taken but failed to fulfil, I have to pay a sum of rupees _____. The final balance due to be paid by me may be verified from my note book, 'My Will, Necessary Memoranda'.

Sajdah Tilawat. (Prostration on reading certain verses of the Qur'an)

I suppose that I have yet to offer _____ *sajdah tilawat*. I have begun to compensate for my earlier default by offering five to ten every day and enter these in the note book, 'My Will, Necessary Memoranda'. Please pay the *fidyah* against the *sajdah tilawat* outstanding against me on my death. The *fidyah* to atone for a *sajdah tilawat* is the same as for a ritual prayer, namely, two kilograms (or a quarter above two) of pure grain.

Caution: It is observed that women commit many mistakes when offering a *sajdah tilawat*. Sometimes they bow down on the Qur'an itself while reading the verse that makes it obligatory on them to prostrate. Sometimes they fail to face the *Qiblah* when prostrating, or they do not cover their head, calf or shin. They are under the impression that they have fulfilled their obligation in this regard but, in all these cases, their *sajdah* is invalid. They must know that the prerequisite for a *sajdah tilawat* to be correctly performed are the same as for a ritual prayer. Women must heed this and see that they perform the

sajdah correctly and redeem any *sajdah* outstanding against them.

Manner of Execution

My will may be executed in such a way that my debts are paid first if there is enough wealth for this purpose. Then, out of the one-third, atonement may be made for the *faraid* (mandatory deeds), *wajibat* (obligatory deeds) and the *nawafil* (the optional deeds) listed in my will.¹ The order of preference specified in the will for paying *fidyah* against a *fard* (singular of *faraid*), *qada* (an outstanding debt) or an atonement must be respected while executing the will.²

There is another way available in the execution of a will. Consult the honourable *Muftis* in this regard.

It may happen that my wealth is insufficient to meet my debts or it is exhausted when they are paid. It could be that after the debts are paid out, the entire one-third is just enough to pay outstanding *zakat* or the *fidyah* against ritual prayers or fasts. In that case, one of the elder brothers, who is granted abundant wealth, may, as a gesture of goodwill, perform *hajj* on my behalf. The honourable *Ulama* may be consulted first.

My children, after you have repaid my debts, then only one-third of my wealth may be used to redeem my outstanding obligations of worship (like *hajj*, *fidyah* against ritual prayers). It is unlawful to spend more than one-third of a dead man's wealth to comply with his personal instructions. The wealth

apart from the one-third is now on the property of the heirs. However, if the heirs — and they are all mature adult — give their consent, more than the one-third may be used for the purpose. It may also be that any one of the heirs agrees to meet the obligations from his own share. This would be a great favour on me.

Rights of Fellow Human Beings

Now, turn towards the rights of fellow creatures. See if you owe anyone against a physical breach or monetary obligation. Give him his right or ask him to forgive you. If you have caused harm to anyone, seek his forgiveness.

We are clearly told in a *Hadith* of a precedence set by our beloved Prophet ﷺ in this respect. He stood up in an assembly of his companions and proclaimed: *If I have caused discomfort to anyone, or pained him, or if someone has a right over me, here I am standing before you. Let the person come here and seek redress or forgive me.*

Where do we stand when no one else but our beloved Prophethimself seeks pardon from his people!

Hazrat Fadl رضى الله عنه relates that he visited the Holy Prophet ﷺ. He was very ill. He had a very high temperature. A bandage was tied to his head. The Prophet asked him to hold him by the hand. They arrived in the mosque and the Holy Prophet ﷺ sat on the pulpit. He asked Hazrat Fadl to gather the people. When they had gathered there, he praised Allah and said: *The time of my parting with you is near at hand. Let him whom I have hit retaliate for here I am. He whom I had dishonoured, let him dishonour me. Let him who*

¹ *Fatawa Alamgiri*, v 6 pp. 115.

² *Fatawa Shamitzyah* v 6 pp. 661, H M Saeed & Co.

has a monetary right over me, claim his right from me. Let no one harbour an apprehension that, if he retaliates, I will nurture hatred towards him: I am not one to hate anyone for it is not in my nature nor does it behove me to hate. Let it be very clear that the person is very dear to me who claims his right from me or forgives me so that I meet Allah with a cheerful heart. It does not suffice me to announce this once, I will make a similar announcement again later on.

After he had spoken thus, the Holy Prophet ﷺ alighted from the pulpit. He reported the same words from the pulpit after the *Zuhr* prayers. He added: *Whoever has a right over him must meet his obligations. He must not let the fear of being disgraced in this world stop him from meeting his obligations. To suffer disgrace in this world is nothing compared to the disgrace in the hereafter.*

A man got up and submitted that the Prophet owed him three dirhams. The Holy Prophet ﷺ said: *I will not rebut any claimant nor ask him to declare it on an oath but I wish to know the nature of the loan.* The man submitted that a supplicant had approached the Prophet once and he had directed him to pay the man three dirhams. The Holy Prophet ﷺ instructed Hazrat Fadl رضي الله عنه to pay the amount.

Another man rose and said, "I owe the *Bait-ul-Mal* (the State Treasury) three dirham that I had appropriated to myself from the Treasury." The Holy Prophet ﷺ asked him why he had done so. He replied, "I was in need of the money at that time". The Holy Prophet ﷺ instructed Hazrat Fadl رضي الله عنه to receive the money from the man.

The Holy Prophet ﷺ announced: *If anyone has any fear of adverse circumstances, he may request me to pray for him (the time of separation is approaching).* From the assemblage, one man got up and lamented, "O Messenger of Allah, I am a liar and a hypocrite and I sleep much." The Holy Prophet ﷺ prayed: *O Allah cause him to be truthful. Grant him faith. And cure him of the habit of oversleeping.* Then another man stepped forward with his problem, "O Messenger of Allah, I am given to lying and hypocrisy. I have not let any sinful act go uncommitted". At this point Hazrat Umar رضي الله عنه counselled him not to publicise his sins but the Prophet stopped him: *Umar, let the man speak! To be humiliated in this world is less painful than to face torment in the next.* Then he prayed: *O Allah make him speak the truth always and enjoy faith, and improve his condition.* Then, another man arose and complained to the Messenger of Allah that he suffered from cowardice and lethargy. Our beloved Prophet ﷺ prayed for him. Hazrat Fadl رضي الله عنه said of this man that thereafter they did not find anyone to match his bravery.

Then, the Holy Prophet ﷺ went to the house of Hazrat Aishah رضي الله عنها and repeated to an assemblage of women identical words that he had spoken to the gathering of men including an invitation to those who had a problem on hand to present it. Different women asked him to pray for them. One of

them submitted that she was fed up with her tongue. The Holy Prophet ﷺ prayed for her.¹

Once, Hazrat Abu Mas'ud Ansari رضي الله عنه was beating his slave. The Messenger of Allah ﷺ was passing by. He was very saddened by this event and said: *abu Mas'ud! You have a certain authority over this slave but Allah the Exalted has an authority over you that is greater than yours over him.* On hearing these words, abu Mas'ud began to tremble. He submitted, "O Messenger of Allah, I set this slave free in the name of Allah". The Holy Prophet ﷺ said: *If you had not done so, the Fire of Hell would have touched you.*²

Therefore, you must get in touch with all those with whom you have had a contact of any kind, be they your friends or relatives or others. Write them or visit them. Find out if they have a monetary right over you. Pay it up if it is so. Seek their forgiveness if you have caused them physical harm through backbiting, criticism or cruelty.

Physical harm could be in the form of being indifferent to one's subordinates, wife or young children. It includes an attitude that displeases them, being stingy towards them by not providing them enough although it is within one's means to support them in a better way, depriving them religious education and training, barring them from performing religious duties or being harsh to them. In all such cases, he should seek their forgiveness.

¹ Shama'il Tirmizi majmu'a zawaid pp 81.

² abu Dawood Kitab ul adab. the chapter Haqul Mumlook v 2 pp 346.

We have the words of the Holy Prophet ﷺ in a Hadith. If a person has tormented another bodily or monetarily, he must apologise to him today or pay him gold or silver. Let him clear his account before the day arrives when we will not see the dirham or the dinar or gold and silver.'

Our elders never failed to own their mistakes and shortcomings. They were not behind in seeking forgiveness of the person whose rights they might have infringed in the least. In keeping with this *sunnah*, it was Hazrat Thanvi who wrote a pamphlet by the title *Al 'uzar wa nazar*. He despatched it to everyone with whom he had ever been in touch. He wrote in it, "because I have had dealings with you, Allah knows I may have overstepped myself or failed to discharge a duty. Please, for the sake of Allah, obtain from me your right or forgive me."

In the same way the Grand Mufti of Pakistan, Mufti Muhammad Shafi had sent everyone he knew a letter entitled *kuch talafi mafat*.³

This behaviour of our religious elders is in accordance with the practice of the Holy Prophet ﷺ. Every one of us, man or woman, must observe this practice. When you draw out your will be mindful of it and do not merely write it down but ask every individual to forgive you.

We now revert to the proforma on drawing up of the will on the rights of fellow human beings. (The first person speech continues.)

³ Bukhari v 1 pp 331.

⁴ from Islahi Khutbat the sermon Tawbah v 2 pp. 59.

I address myself to all Muslims notably my parents, members of my family, brothers and sisters, cousins, in-laws and companions. I mean to include everyone whom I have ever met, had a dealing with, my subordinates and superiors. I beseech all of them to forgive me for the sake of Allah because I certainly have infringed upon their rights. I request them all to pray for me that when I die it is a painless death and that I be forgiven. I repent to Allah for all the sins I have committed in secret or in public and ask all these people to bear witness to my repentance on the Day of Resurrection. I repent too for my deeds of omission. In my life, I have seen innumerable sins being committed but I remained a silent spectator. So many of the commands of Allah were deliberately outraged and the *sunnah* of the Prophetheld in abeyance, but I did not attempt to revive them or stop the violators from violating them. I saw the injunctions of Allah and the practices of the Prophet openly flouted in weddings, in manner of dresses, in general appearance, in business dealings, in women being unveiled and in the training of children. I never felt pricked by the misdeeds, let alone try to reform the sinners or pray for them.

However, I now repent having committed this grave sin. In future, I will make every endeavour to universalise the injunctions of Allah and the practice of the beloved Prophet عليه الصلاة والسلام. I will spur the people to conform to these dictates. I will use my influence diligently and devote the rest of my life to this cause and am prepared to relinquish my life and my wealth and time for this purpose. My mind and abilities will be dedicated to this cause henceforth. I will endeavour, too, to spring up this spirit of dedication and devotion among all Muslims.

The debts that stand against my name are:

1. The dower money of my wife. I am making every effort to pay this money to her but if I fail to do so, it may be paid to my wife on my death whether she demands it or not along with my other debts.
2. The cash gifts that my minor children received from me, relatives or friends from time to time. I have put all that money to personal use out of carelessness. The total amount is rupees _____. Part of this amount I have given to my wife for safekeeping and contribute towards it at intervals. I am writing it down in the note book, 'My Will, Necessary Memoranda'. On my death, please see this book and pay the balance amount to the children. A waiver by a minor child is invalid nor is his consent to use his money to any purpose valid. Therefore, it is mandatory to return the wealth of the children to them.
3. I owe rupees _____ to _____ address _____. This debt has come over me through a business transaction. The money may be paid to him.
4. The instalments against my shop/factory/_____ payable to _____ may be verified from my accounts or my accountant/lawyer. This amount may be paid to them after proper verification whether they remember it or not.
5. I owe _____ owner of the shop _____ that is situated in my locality a sum of rupees _____ towards various household items purchased from him.
6. I had failed to pay my sisters their share of inheritance from my father. This amounts to rupees _____. Now, I have begun to pay them small amounts towards the debt; if I die without paying them the full amount payable to them, please

pay them the balance. I was under the fallacy that I did not owe them anything if I treated them to sumptuous dinners, bore the expenses of their *Hajj*, the wedding of their daughters or provided their sons employment. Now, when I enquired of the learned *Ulama*, I learnt that their monetary rights are not written off in this manner and that I still have to pay them their correct share of inheritance. So, please pay them their rights. My children, you have seen how I erred in not paying my sisters their share of inheritance. Let not my sons make the same mistake. They must pay their sisters whatever is their due in full. By the Grace of Allah, I have sought the opinion of respected *Ulama* and seen to it that the papers of my wealth and property are drafted very clearly and leave no cause of dispute among my children.

7. While I enjoy sound health and am in my full senses, I forgive my friend _____ address _____ the sum of rupees _____ that he had borrowed from me because he is in dire straits. Now, no right to this money vests on me or my heirs and I and my heirs are no more entitled by *Shari'ah* to claim this money from him or his heirs. I have given him an undertaking to this effect a copy of which you will find among my papers. While we are on this subject, I urge you too to forgive anyone who is in desperate circumstances any money you may have lent him if you are in a position sound enough to forgive him. The Holy Prophet عليه الصلاة والسلام has said: *When a person gives a loan to a needy person, then he gives him time to repay or forgives him the money, Allah will relieve him of*

*the terrors and worries of the Day of Resurrection.*¹ Yet another Hadith tells us: *When someone lends money to a hard up person, then allows respite or writes off the loan, Allah will place him under a shade on the Day of Resurrection.*² Therefore, my dear children, do not deprive yourself of this excellence. If someone has borrowed money from you and you know that he does not own enough resources to repay you, or that if he does repay you it will put him under tremendous pressure, then remit him the loan. At the same time feel grateful to him that you could attain the excellence and virtue through him.

8. I have with me as a trust a sum of rupees _____ of _____ and documents of the property of his wife. These things I have kept at _____. The address of this gentleman is _____. Return to him the trusted items.

9. Further, out of carelessness and disregard for the hereafter, I bought some prize bonds in aspiration of the prize money. I also received prizes on the bonds over a period of time and I have kept this money aside for a purpose. However, I realise that the money earned as prize is unlawful and it is not lawful to put it to any use nor can it be inherited as my wealth. All that money must be donated to some needy person cherishing no hope of reward against this deed; this money must be given to a person who is entitled to receive *zakat*. As for the prize bonds, I will return them to the bank at the face value. If I have not been

¹ Muslim.

² Muslim.

able to do it in my life time, you do it for me without taking any profit on it because this is a combination of interest and lottery.

10. I hope to receive some money from _____ address _____ and a further sum from _____ of _____ which he has with him for the last six months. His receipts are among my papers. Please receive all this money.

As for my account in the bank, I have authorised my wife/son/friend _____ to operate the account. After my death, the amount must be withdrawn from my account and placed with my legacy for distribution as per *Shari'ah*. I have done this because otherwise the heirs are put to undue inconvenience in obtaining succession certificate for the recovery of money from the bank.

As for the religious books that I own, if they are not required by anyone, they may be donated to _____ *madrasah*. Someone will benefit from them there and I shall earn a continuous reward by their use.

Cautionary Note:

My dear relatives, in my note book entitled 'My Will, Necessary Memoranda', I have made a list of everything that I own at my house or shop, howsoever insignificant. For instance, you will find in this list my bed, cupboard, carpet and so on. I have made a list of the things that belong to my wife. Do not add up to my property the things that do not belong to me. Jewellery and whatever else I have given as gift to my wife belong to her and I no more have any ownership interest in them. Therefore, do not include them in my wealth after my death.

When my youngest son and youngest daughter find their life partners and live in their own respective houses and because my children are wealthy, my wife and I have decided to donate everything in our house so that after we both have died all these things are distributed among the poor. As long as either of us is alive, let us derive benefit from this property.

I am thankful to Allah that He has bestowed on me the obedient children that you are, three sons and two daughters! To the two elder married sons, I have given apartments of a certain value. To my third son, I have given the same amount of money and placed it in the bank account _____ opened in his name so that he may buy an apartment for himself. I have given a like amount to your two sisters too. Of course, it would not have been unlawful for me to give to each daughter rupees one hundred thousand where I had given to my sons rupees two hundred thousand apiece. However, since Allah has granted me abundant wealth, I opted to act on a superior course so that the boys and girls get equally during my lifetime. I have met the right of all my sons and each has a house of his own that there may not be a point of disagreement among you brothers and sisters. I have distributed everything and attempted to explain it so that you do not dispute anything.

The ground floor of the house in which I live, belongs to my wife and myself and we have placed it in a trust for religious use or *madrasah* on the stipulation that as long as one of us is alive we will live in it. We may rent it out and use the rent income at our discretion. However, after we are both dead, this portion of the house will not form part of our legacy. As of now, it is placed in a trust for the religion of Allah. I have informed everyone about this in writing and deposited a copy with

_____ mosque/madrasah/tabligh centre. Thus, it is already under a trust subject to the condition that we both, husband and wife, will use it as long as we live. I have made this declaration in the presence of two witnesses, _____ and _____ and informed all my children in writing.

I have gifted my shop _____, factory _____ and plot of land _____ to my children equally and handed over physical possession to them with ownership rights. I no longer hold any interest in these properties the ownership rests in him to whom the particular property is gifted. I have exercised extreme care in being impartial in the distribution of the properties so that the devil does not provoke you to confront one another for paltry temporal gains. If I have erred in my judgment, please forgive me.

A Clarification.

Let it be clear that it is not necessary for a person to distribute his property in his lifetime to his children but he is not precluded from doing so either.

A necessary and final part of my will:

Dear children, the office of prophethood has ceased with the Holy Prophet ﷺ and no other Prophet will now arrive. Their mission is now to be continued by the *Ummah* of the last of them. It is now our responsibility to fight idolatry and polytheism, to prevent sinful activities and to promote virtuous deeds and piety. We must direct our efforts to put the entire humanity on the path to Paradise. When the Prophet died, his

august Companions continued in his footsteps doing whatever they could for the religion of Allah. After them, the *Tabi'oon* (the epigones)¹ carried on the mission and delivered to us the message in the same manner so that our forefathers entered the fold of Islam. Thus while recalling their tiring efforts that led our ancestors to adopt the Muslim way of life, we may respond to their favour by delivering the message of Islam to the non-Muslims. Our effort must be directed to those who are Muslims to cause them to adopt the Islamic values in their entirety and join the true lovers of the Prophet and faithful servants of his religion spreading his message over the world.

Muslims should realise the purpose of their lives. They must develop an urge and love to foster the teachings of Islam. Each of them must be motivated by a desire to see this urge and love in his fellow beings — businessman, labourer, rich, poor, ruler and the ruled. His goal should be to see Islam followed in every part of the world. Every Muslim must devote all he has to this purpose.

I have not been able to do much towards this end. I have not given enough time or wealth or physical effort. Although _____ years of my life are now part of history, I have not done anything worth mention in the cause of Allah. May He forgive me! *Aameen!*

However, I have resolved now to spend the remainder of my life to spread the message of the Holy Prophet ﷺ in every nook and corner of the world. I shall put in my physical

¹ the Tabi'oon, plural of Tabi'i.

_____ mosque/madrasah/tabligh centre. Thus, it is already under a trust subject to the condition that we both, husband and wife, will use it as long as we live. I have made this declaration in the presence of two witnesses, _____ and _____ and informed all my children in writing.

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¹ the *Tabi'oon*, plural of *Taba'i*.

effort for this and will not lag behind in spending money or my intellectual capabilities for this cause. You too must pursue this cause in a persistent manner. Use your mind to search for ways to put across the message of Islam the world over. Go to far off places and give the people there this message. At the same time, try to grow the missionary spirit in fellow Muslims. Those with whom you have a daily contact must be the first subjects of your efforts. See that they also aspire to carry on this effort among their associates.

The non-Muslims that you meet in your worldly affairs, use the *musnoon* methods to interest them in Islam and propagate to them the teachings of Islam. Pray for them. Would that you be instrumental in bringing them to the folds of Islam! In this way you will be doing the worthy work that the Holy Prophet ﷺ did in bringing people out of darkness of disbelief and idolatry. While you are in a virtuous surrounding, your efforts must be to bring them there too. May Allah be your Helper at all times! *Aameen*, O Lord of the worlds.

My children, I could not get you to memorise the Holy Qur'an or to join the ranks of the *Ulama*. However, I write down here, in my will, my desire to see your children become *Hafiz*,¹ *Ulama*, *Mufti*, and propagators of the religion of Islam. This will fetch all of us a reward in this world and in the hereafter, a reward that our future generations will reap too.

We have it from our elders that a person who was involved deeply in sin instructed his wife, while he was on his death bed,

¹ one who has committed the Qur'an to memory.

to see that his young son becomes a *hafiz*. The woman obeyed the dying instructions of her husband and placed the child in a *madrasah*. When the child recited his first lesson

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allah, the Beneficent, the Merciful,

Allah commanded the angels to terminate the torment over the man in the grave. The angels beseeched Allah to tell them why He was removing the punishment over the sinner. They learnt from Him "When his son recited *In the name of Allah, the Beneficent, the Merciful* and called upon My Mercy, how can the father remain bereft of My Mercy and why should he be punished after that?"

13. WOMEN MUST INCLUDE IN THEIR WILLS

For example, they must repent from the worst form of unhidden sin. They may write: I repent that until now I have been very negligent in observing the *purdah* (veil). From now on, I will observe *purdah*. I will not leave any portion of my body uncovered in the presence of *ghair mahram* (strangers). These men include my brother-in-law, the driver and male servants. I will leave the house only when it is very essential to go out and when I do go out I will wear the full *burqah* (an overdress for veiling the body). Therefore, you also seek forgiveness for me as I do now.

At times, I have committed the mistake that when my menstruation was over, I delayed the ritual bath (to attain purification) so that I missed one or two ritual prayers. Having repented now, I have begun to redeem such prayers as I had

missed. I make an entry in this note book, 'My Will, Necessary Memoranda', of the prayers that I redeem but when I die and some of the prayers stand unredeemed, please pay *fidyah* against them from my wealth.

My instructions to you are that immediately the menstrual flow has ceased, have the obligatory bath and, having yourself thus purified, do not let any ritual prayer go unoffered. We are not permitted to miss a single prayer once the flow has stopped.

In the same way, when, after child birth, a woman's impure condition is over (according to *Shari'ah*), she must have her bath and begin offering the ritual prayers; it is not correct for her to wait for the forty days to elapse even if the impurity is gone. Some women, although they no longer bleed, wait for the forty days to pass before they offer their ritual prayers. They must know that *Shari'ah* has set the forty days as a maximum waiting period after which a woman must have her ritual bath and offer prayers. The unclean period cannot extend beyond forty days but it may last for fewer days — a moment, a day or ten days or more, but never more than forty days.¹

However, a woman is permitted to perform *tayammum* (dry ablution) if she fears water will be harmful to her but she may not miss any prayer after the bleeding has stopped.²

Read the book *Bayhashti Zaiwar* to find answers to your questions on this topic. Get your daughters to study these questions at an early age. Where you cannot find the answer to

¹ al Mukhtar, v 1 pp 309.

² Bayhashti Zaiwar, pp. 62 # 7.

your problem, explain your condition to your husband and ask him to get an answer from a reputed *Mufti*.

Many women do not pay *zakat* on their jewellery. Some of them do not consider themselves liable to pay it although their holdings that attract *zakat*. They do not offer the sacrifice on *Eid-ul-Adha*. They hold their husbands liable to discharge these obligations for them. They must know that it is not *fard* or *wajib* (mandatory or obligatory) on their husbands to pay *zakat* or to buy a sacrificial animal on behalf of his wife. If he volunteers to discharge her obligation, it is a favour shown by him; if he does not do so, no blame rests on him. Each is obliged to pay his own *zakat* and offer his sacrifice and discharge his obligations. Therefore, women must meet their monetary duties too.

A woman may include in her will instructions for optional pious deeds. For instance, she may write: Whatever jewellery I have is my own property. Whatever I received from my in-laws has been presented to me by my husband. Therefore, one-third of this jewellery may be donated to the expenditure of those men and women who travel in the cause of Allah.

(Her will runs along.) I have mentioned everything that I own in the house from the most insignificant to the most valuable. These may be included in my possessions on my death. The things (as bed, cupboard, chairs, carpet, refrigerator, new jewellery) that I received from my father or my husband belong to me and form part of my legacy. However, the furniture and fixtures that lie in the room of my husband, I have voluntarily gifted to him although they belonged to me. I declare this gift while I enjoy sound health and am in my full senses and there is no pressure over me to make this

declaration. Henceforth these things belong to my husband and they will not be included in my legacy. I have informed my husband of this gift and handed over to him their physical possession.

The jewellery items lying in a red box in my cupboard belong to my daughter _____. I had given this to her as a present on the birth of her daughter. I handed over possession to her but it now lies with me as a trust. Do not include it in my property.

14. A PIOUS MOTHER-IN-LAW'S INSTRUCTIONS TO HER DAUGHTER-IN-LAW

My dear daughters, the jewellery that I had given to my daughters-in-law, at the time of their marriages, belongs to them. Each of them is now the owner of the jewellery that was presented to her. Some families do not explicitly transfer ownership of the jewellery at the time the gift is made to the daughter-in-law so that there is a general impression that she is only entitled to the use of it. This creates confusion and questions of a legal kind arise:

(i) Who is liable to pay *zakat* on the jewellery — the bride, the husband or his parents?

(ii) If, God forbid, husband and wife are estranged, this property becomes grounds for severe wrangling among the different claimants each affirming his ownership.

(iii) If one of the spouses dies, the jewellery becomes a bone of contention among the surviving heirs because the true owner is unknown. The surviving spouse and his/her parents

lay a claim over the ownership while the parents of the deceased dispute their claim.

Therefore, when you are married, ask your husband discreetly whether he has merely allowed you the use of the precious ornaments or actually transferred ownership to you. Then later in life, when your children marry advise your daughters and daughters-in-law to seek similar clarification. Let me explain that the clarification is necessary not to accumulate wealth but to satisfy the religious monetary obligations of *zakat*, *fitrah*, *hajj* and sacrifice on *Eid*. This will ensure smooth discharge of my will on my death.

My dear daughters, many women abuse other women, their relatives or dependants. They taunt them, curse them or speak ill of them in their absence. These things are unlawful. In fact, backbiting is held in the same abhorrence as eating human flesh. These women must repent and seek forgiveness from their victims otherwise they will have to surrender their pious deeds to them on the Day of Resurrection.

Often a woman in the garb a daughter-in-law disrespects her mother-in-law. She does not regard her as a mother and pains her. She backbites about her and blows out of proportion the imaginary unreasonableness of the mother-in-law, complaining to her parents and others trumpeting the fake charges. This daughter-in-law must apologise to her mother-in-law for the excesses. If she is unalive, let her pray for her and beseech Allah to forgive her. She must also be cordial with her sisters-in-law and her husband and obtain their blessings.

Then, as a mother-in-law, it is again a woman who is unjust to her daughter-in-law. She torments her, does not credit her

for her respectful deeds, pumps up her son against his bride, or misuses the dowry that she had brought from her parents. Such a mother-in-law must apologise to the daughter-in-law and compensate her for the things she has misused out of her dowry or other gifts, and she may speak well of her before other people.

Similarly, a woman may have been rude to her female servants and maids, or punished them beyond their crime, or showed them disrespect, or underpaid them in relation to their work. Such a cruel woman must apologise to them. Let her be generous to them now so that they forget the cruelty they had suffered.

Some women underplay the work their daughters-in-law do in the house. It may happen that while the daughter-in-law is engaged in cleaning utensils in the kitchen some guests arrive. In order that they may not deduce a good impression of the girl, the mother-in-law would tell them that the girl was occupied in reading a novel or engaged in a telephonic conversation with a friend but she rushed to the kitchen on hearing them arrive. Again, when the bride rings up her mother or sisters, or uses hot water, she is accused of overusing the telephone and adding to the expenses of the house. To avoid such unpleasantness, parents must provide separate accommodation to their sons on their marriage. If they cannot afford to buy a house, they may rent one. If they save on the unnecessary expenses on a wedding, they can use the money so saved to pay rent for three years at the least. However, if as a mother you are invalid and in need of assistance of your son and daughter-in-law, get them a separate house nearby or provide them separate accommodation within your house if it is large enough so that while they may

serve you, they are independent of you. When they have a kitchen of their own, there is little likelihood of bickering because it is the stove that provokes the fire!

We can provide numerous examples of cruel mothers-in-law and disrespectful daughters-in-law. It is in their interests to seek each other's forgiveness and to reconcile.

We see a woman as a sister-in-law. The sister of her husband is a nuisance to the wife while she, as the wife of her brother makes life difficult for the sister. Then, the wives of two brothers cannot tolerate each other. Probing further, two wives of one and the same man cannot endure each other. It is a woman too as a boss who makes life miserable for her maid servants. Again, it is a woman who, as a grandmother, feels displeased on the birth of a granddaughter because her family will have to amass dowry for the girl.

Thus, if she is not religious-minded, a woman creates problems for another and is cruel to her. So, let them seek forgiveness from each other and make up for the cruel acts by being generous and kind.

15. THE PORTION OF THE WIFE IN THE WILL OF HER PIOUS HUSBAND

Ghazi Anwar Pasha was one of those magnificent warriors of Turkey who spent a life time in *jihad* against the enemies of Islam. He was martyred ultimately fighting the Bolsheviks of Russia. Just a day before martyrdom, he wrote a letter to his wife, the Princess Bakhyah Sultana. He released a copy of this letter to the Turkish press for publication in the newspapers. A translation was printed in the newspapers in India on 22nd April

1923. It is an inspiring and morale boosting epistle. Every young man must read it. Here is the translation of the letter.¹

My Life partner and Fountain of happiness, dear Bakhyah,

Allah the Exalted is your Protector!

I have before me your last letter. Be assured, this letter of yours will always remain close to my heart. I cannot see you. Yet I see your fingers moving along the curves of the letters and the lines in your letter — the fingers that played with my hair. Sometimes early in the morning, in this tented area, I do get a glimpse of your countenance.

O, you write that I have forgotten you. You complain that I care not for your love! You say that I have shattered your love-filled heart to play with fire and blood in this distant, worthless land. You blame me of not caring in the least for the woman who passes sleepless nights as a result of separation from me. You say that I am in love with war and nurse a passion for the sword. Yet, though it is true love that has aroused you to write so, you did not fathom in the least how your words will cause my heart to bleed! How may I convince you that in this wide world no one is as dear to me as you are? You are the climax of my love! I have never loved anyone. You are the only one who has ruled over

¹ courtesy Turkan ahrar, Abdul Majid Atiqi pp. 127-130, Kabul Book Depot, Lahore.

my heart. Then, how am I away from you? My darling, you are right in putting this question.

Listen! I am not away from you because I yearn after wealth and property. I am not away that I may secure a throne for me — as my detractors would have it. The only reason I am far from you is that my duty to Allah has brought me here. No duty, no mandatory act is greater than jihad in the way of Allah. It is this duty that entitles a man to Paradise the moment he builds an intention to participate in it. Praise is for Allah alone! I have gone beyond contemplating it: I am now actually taking part in the jihad. It is your separation that actually cuts at my heart but I am extremely happy at being separated because my love for you is the only thing that can be a barrier against my resolve and intention.

I am most thankful to Allah that I could get through this temptation and I was successful in giving preference to the love for Allah and His commands over my love for my personal interests. You too should be happy and thankful to Allah that your husband is so strong in faith that his love for Allah enabled him to bypass his love for you.

While jihad through physical warfare is not mandatory on you, you are not altogether exempt from jihad. A Muslim, male or female, is not excused from the command to participate in jihad. To suppress your personal desires against love for Allah is a mode of jihad for you.

Strengthen your true love for your husband. Harken! Do not ever pray for your husband to return to you safe and sound from the battlefield. This will be selfish of you. Allah does not like it. However, keep praying that your husband's jihad meets the favour of Allah — He may cause his return after success or his lips may taste the intoxication of martyrdom. The lips that have never been defiled by wine but have always flourished through recital of the Qur'an. Dear Bakhyah, how blessed would that moment be when this head that you describe as beautiful would be separated from the body in the cause of Allah. The body that your loving eyes do not see as a soldier's but the delicate body of a sweetheart. The topmost desire of Anwar is to attain martyrdom and join the ranks of Hazrat Khalid bin Walid رضى الله عنه.

This life is an affair of a few days. Death is bound to strike. Then, why fear death? When it is certain that a man will die, why should he await it lying on his bed? Martyrdom does not end in death, it is perpetual living!

Bakhyah, hearken to my will! If I am martyred, marry my brother, Noori Pasha. He is dearest to me after you. It is my wish that once I have embarked on my last journey, he should serve you faithfully for the rest of your life.

The second part of my will is that you narrate my life story to all your children and inspire them all to take part in jihad for Islam and for their nation. If

you fail to do so, remember that I will not speak to you in Paradise.

The third portion of my will is that you should be a well-wisher of Mustafa Kamal Pasha always. Do all you can to help him because Allah has placed the security of the nation in his hands.

Darling, I take your leave now. I don't know why but I feel like I may not write to you again after this epistle. Who knows, I might attain martyrdom as early as tomorrow! Be patient. Instead of being sorrowful, be happy that my dying in the cause of Allah should be something to be proud of for you.

Bakhyah, let me leave now. In my imagination, I embrace you. Insha Allah, we shall meet in Paradise never to part again!

Yours,

Anwar.

It must be emphasised here that at the time this letter was written, Mustafa Kamal Pasha was well known as a *mujahid* (warrior) of Islam. It was later on that he engaged in activities harmful to Islam.¹

16. THE WILL OF A PIOUS WOMAN IN THE NAME OF HER HUSBAND

¹ Tarashay by Maulana Mufti Muhammad Taqi Usmani.

1. A Muslim wife must seek forgiveness of her husband. She must strive to please him. She must strive to please him to offset the trouble she may have caused him by being negligent in giving him his rights. The Holy Prophet ﷺ has said: *The woman who dies while her husband is pleased with her will enter Paradise.*¹ Therefore, if she has erred previously, she must ask her husband's forgiveness and she must henceforth do all to please him. However, she may not obey him when his desires run contrary to the commands of Allah and His Messenger ﷺ. She may read the books *Tuhfah-e-Dulhan* and *Tuhfah-e-Khawateen* to know the rights of the husband.

2. *(The will of the woman continues:)* All praise is for Allah! I do not apply nail polish. If ever I did use it I was careful to remove it before ablution or bath. Hence, if the nail polish happens to be over my nails when I am dead, please remove it before giving my body its final bath because, otherwise, the bath will not be validly performed and the funeral prayers will not be correct.²

The pious woman must leave behind instructions for her sons and grandsons to memorise the Noble Qur'an and to qualify as *alim* (religious scholars) and adopt righteousness. She may leave behind instructions for her daughters and granddaughters to acquire religious knowledge. If her children are grownup and do not hold these qualifications, she may express, in her will, her inability to provide them the opportunity but request them to see that their children acquire these distinctions and become

devoted servants of Islam. If her children are yet young, she must try to make them memorise the Qur'an. She may ask them in her will to implement her wishes in this regard if she is no more alive. They may do the same thing with their children so that they too are *hafiz*, *'alim*, *Mufti*, propagators of Islam and *mujahid* so that they play their part in spreading the message of Islam the world over.

Children, devote your lives to follow the dictates of Allah so that we see everywhere

﴿كَلِمَةُ اللَّهِ هِيَ الْعُلْيَا﴾

The word of Allah! It is superiormost'

It is a blessing for a person that he dies while he is devoted to the cause of Allah. I pray that you die in far off lands while you are occupied in transmitting the message of Islam. *Aameen!* *(Addressing her husband, she continues:)*

3. After my death, do take another wife. You will get solace and the affairs of the house will be taken care of; most important, you will be safe from sinful activity. However, make sure that my children are not maltreated by your new wife. Of course, you should know these things better.

4. I hope too that you will remember me in your prayers and dedicate your pious activities for reward to me in the *musnoon* way.

¹ Tirmizi, ibn Majah.

² *ahsanul fatawa*, v 4 pp 237.

¹ at Tawbah, 9:40.

5. Destroy my photographs if I have been negligent in getting myself photographed at any time and on my identity card and passport.¹ This will put a stop to the sinful activity that I had initiated from being continued after my death.

6. When the children attain marriageable age, consult the family elders and bear in mind the wishes of the children and then seek the help of Allah through *istikharah*², then marry them off. See that the ceremony is simple conforming to the directions of *Shari'ah*. An early marriage will ensure that the children remain innocent and honourable. Be careful in selecting partners for the daughters; their husbands must be religious-minded. A person whose relationship with Allah is correct is assured of a peaceful life in this world and the hereafter. After their marriages the children must have their own homes to live in because it is very difficult for a daughter-in-law and her mother-in-law to live peacefully together and this difficulty will be accentuated when she has to cope with a step mother-in-law. Living in the house may not be peaceful and the turmoil will take its toll on our darling son. Therefore, save money by doing away with unnecessary related marriage functions. Use the money so saved in getting them a separate accommodation. Do consult my mother and sisters when you arrange the marriages of our daughters. I seek your leave now.

¹ or dispose of according to local laws.

² *istikharah* is to seek the help of Allah in choosing that which is beneficial by a particular supplication addressed to Him after offering two raka'at optional prayers.

17. THE FIRST AMONG THE COMPANIONS TO MAKE OUT A WILL APPORTIONING HIS ONE-THIRD POSSESSIONS

In the beginning it was obligatory on a person to draw out a will for his entire wealth so that he could distribute his wealth at his discretion. This obligation was replaced and the shares of different relatives of the deceased were defined by Allah; however, the prerogative to allot up to one-third of his possessions was available to the deceased. Thus he could redeem his wrongs and use one-third of his wealth to rectify his mistakes in life. If he was stingy in spending in the cause of Allah, he may draw a will authorising expenses on a noble cause within his one-third wealth. If he had been unjust to his servants or subordinates, he may leave them some wealth in atonement of his mistakes. He may leave in his will certain amount of money for those who travel in the cause of Allah, for the poor and the needy, for his relatives, for those who have no means of livelihood or for poor widows and orphans.

While he is alive, he may spend on these causes as much as he can. He can also do so after his death by giving instructions for spending one-third of his wealth.

The first person to draw out a will for one-third of his wealth — after the amendment in the obligation came about — was Hazrat Bara' bin Ma'roor. It was around the time when the Holy Prophet ﷺ was expected to arrive in Madinah. He had not yet arrived and one month prior to his arrival Hazrat Bara' expired. What a situation! Death could not be put off and the desire to have a glimpse of the beloved Prophet was irrepressible! The true, loyal Companion that he was, he drew

5. Destroy my photographs if I have been negligent in getting myself photographed at any time and on my identity card and passport.¹ This will put a stop to the sinful activity that I had initiated from being continued after my death.

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out a will that one-third of his assets be placed at the disposal of his Master to spend as he chose. May Allah bless him and give him peace, he arrived and the heirs of Hazrat Bara' promptly complied with his instructions. The Holy Prophet عليه الصلاة والسلام recognised the gesture of his sincere Companion and accepted the offer. He then returned the wealth to the heirs as a gift. May Allah shower blessings on him and on his family and his companions and give them peace. The Arabic words of the foregoing account are given here:

وفي الطبراني من وجه آخر عن أبي قتادة رضي الله تعالى عنه أن البراء بن معرور أوصى إلى النبي صلى الله عليه وسلم بثلاث ماله يصرفه حيث يشاء، وكان قد أوصى لرسول الله صلى الله عليه وسلم فقبل وصيته ثم ردها على ولده وصلى عليه يعني على قبره، وكثيراً رُبْعاً (الاصابة في تمييز الصحابة صفحه ١٤٤ جلد ١، نقلاً عن مفيد الوارثين صفحه ٥٧)

18. THE COMPANION WHO WAS THE FIRST TO BEQUEATH LAND FOR A WELL AND MOSQUE

When the Holy Prophet عليه الصلاة والسلام arrived at Madinah, there existed only one well giving sweet water. It was known as the *Bi'r Roomah* and it belonged to someone there. The Messenger of Allah عليه الصلاة والسلام said:

مَنْ يَشْتَرِي بِرْرُومَةَ فَيَجْعَلَ دَلْوَهُ مَعَ دَلَاءِ الْمُسْلِمِينَ بِخَيْرٍ لَهُ مِنْهَا فِي الْجَنَّةِ؟ (ترمذي كتاب المناقب جلد ٢ صفحه ٢١١)

Is there anyone who will buy the well of Roomah and bequeath it for the general use of Muslims? Allah will grant him a better reward in Paradise?

Hazrat Usman رضي الله عنه responded to the Prophet's call and bought the well and dedicated it for the use of all Muslims.

When the *Masjid Nabavi* was found too small for the worshippers, the Holy Prophet عليه الصلاة والسلام addressed the people:

مَنْ يَشْتَرِي بُقْعَةَ الْفُلَانِ فَيَزِيدُهَا فِي الْمَسْجِدِ بِخَيْرٍ لَهُ مِنْهَا فِي الْجَنَّةِ؟

(ترمذي جلد ٢ صفحه ٢١١)

Is there anyone who will buy the piece of land from its owners that we may expand the Mosque and he may fetch a better reward in Paradise?

Hazrat Usman رضي الله عنه came forward and announced, "I have bought the land with my resources and bequeathed it."

A Note:

The *Hadith* mentions two endowments by Hazrat Usman رضي الله عنه in response to the motivating call of the Prophet عليه الصلاة والسلام. The first endowment was of sweet water well. It was perhaps the first endowment in Islam because it was made immediately after the migration of the Prophet to Madinah. We cannot imagine such an act at Makkah. The second donation was of a piece of land purchased from its owners for the mosque.

19. A COMPANION DONATES A VERY VALUABLE PIECE OF LAND

Just as gifts and charitable donations are pious monetary deeds, endowment and setting aside in a trust are also pious monetary efforts. Hazrat Shah Waliullah writes in *Hujjat ullahil Balighah* that the Arabs were not familiar with the concept of *waqf* or endowment before the advent of the Messenger of Allah عليه الصلاة والسلام. On the guidance of Allah, it was he alone who introduced this idea and motivated his followers to practise it.

The principle of *waqf* is to set aside for pious causes one's assets of a permanent nature that yield revenue, like immovable properties. The pious ambitions behind the gesture could be to teach the Qur'an, set up of a rest house for the travellers in the way of Allah.

The person who places his assets under a *waqf* must specify one or more end uses for the revenue or yield from the assets. At the same time, he must surrender his proprietary rights on these assets for ever. The relative *hadith* is d here.

عن عبد الله بن عمر رضي الله تعالى عنهما أن عمر رضي الله تعالى عنه أصاب أرضاً بخيبر فأتى النبي صلى الله عليه وسلم فقال يا رسول الله إني أصبت أرضاً بخيبر لم أصب مالا قط أنفسي عندي منه فما تأمرني به فقال إن شئت حبست أصلها وتصدق بها قال فتصدق بها عمر أنه لا يباع أصلها ولا يوهب ولا يورث وتصدق بها في الفقراء وفي القربى وفي الرقاب وفي سبيل الله وابن السبيل والضيف ولأجناح على من وليها أن يأكل منها بالمعروف أو يطعم صديقاً غير متمول (رواه البخاري)

حديث رقم ٢٥٣٢ كتاب الشروط ومسلم صفحه ٤١ جلد ٢)

Hazrat Abdullah bin Umar, *Allah be pleased with both of them*, has narrated the following event of his father. When Hazrat Umar رضي الله عنه received a piece of land in Khyber, he presented himself before the Messenger of Allah عليه الصلاة والسلام and submitted to him, "O Messenger of Allah, I have received some land in Khyber and have not found a better property. What is your command to me in this regard?" He said, "If you like, set the property in a *waqf* and declare the yield and income as *sadaqah* or charity." Thus Hazrat Umar (set the property aside in a *waqf* and) declared it as a *sadaqah* in the way of Allah. He declared that the land could never be sold, gifted or inherited and the income from it must be spent in the way of Allah on the poor, needy.

kinsmen, to secure freedom for the slaves, in *jihad* and to cater to travellers and guests. The supervisor of the land was allowed to reasonably feed himself and others on the condition that he did not aim to build his finances thereby.

Explanatory Note: This is the *hadith* on which the principles of *waqf* are based.

In the 7th year of Hijrah, Khyber was won over. Its land was very fertile. Nearly half of this land was distributed among the warriors by the Messenger of Allah ﷺ. Hazrat Umar رضي الله عنه realised that the land allotted to him was the most valuable property he owned. He was mindful too of the words of the Qur'an.

﴿لَنْ تَنَالُوا الْبِرَّ حَتَّى تُنْفِقُوا مِمَّا تُحِبُّونَ﴾

By no means shall you attain al-Birr (piety, righteousness) unless you spend (in Allah's cause) of that which you love.'

This inspired Hazrat Umar رضي الله عنه to give away, in the cause of Allah, the Khyber land that was the best and most valuable of his assets. He hoped to earn the pleasure of Allah in this way. However, he had approached the Holy Prophet to seek his guidance on the best method of utilising the land in the way of Allah. The advice of the Prophet put it in a *waqf* entitled him to earn a continuous reward. Thus, he placed it under a *waqf*

¹ (Aal-Imran, 3:92.)

and chose the heads of expenditure to which the income derived from it may be directed. These heads of expenditure were nearly the same as determined in the Qur'an at verse 60 in the *surah* Tawbah.

Finally, the trustee and the administrator is advised not to use the property to further his personal ends. He may, however, take from it a reasonable provision for himself and his family, and for the guests; this much was legitimate.

It is for every Muslim to act on this *sunnah* and earmark something of his property on *waqf*. If he does not own anything, he may make an intention at least and pray for enough wealth to be able to do so.

20. THE FIRST COMPANION TO DIG A WELL AND PLACE A GARDEN IN A TRUST

Hazrat Sa'd bin 'Ubadah رضي الله عنه narrates that he submitted to the Messenger of Allah ﷺ "O Messenger of Allah, my mother has died. What type of *sadaqah* will be best on her behalf?" He replied, "Water!" Thus he had a well dug up and dedicated it to his mother, umme Sa'd.¹

Explanatory Note:

Slightly varied details of this event are found in some narrations. When his mother had died, Hazrat Sa'd bin 'Ubadah was out on a journey. On his arrival home, he presented himself

¹ Abu Dawood, Nasai.

before the Holy Prophet ﷺ and informed him that his mother had died while he was away from home. "If I were here, perhaps, she would have instructed me to offer some charity for her," he added. "Now that I wish to offer charity on her behalf, in what manner may I do it that she may reap maximum reward therefrom?" The Holy Prophet ﷺ advised him to have a well dug up. Thus, he had a well dug up at a location where water was scarce and he arranged a *waqf* of this property in the name of his mother that she may receive a perpetual reward. Some reports, however, tell us that he placed a garden under a *waqf*. We may explain this variation by supposing that the well itself was situated in the garden and as a part of it was under the *waqf* with the garden.

This is the second example we have of *waqf* in the times of our beloved Prophet ﷺ. These examples tell us that it is correct to dedicate a pious act to a dead person so that reward is dedicated to him.

21. GET A PLACE RESERVED FOR YOURSELF IN PARADISE. SPEND FROM WHAT HE HAS GIVEN YOU IN HIS CAUSE

Allah, the Great, has placed you among the rich and granted you wealth and property. How correct it would be for you to use these favours in gratitude in ways that are beneficial to Islam.

If you own a property whether a plot of land or built-up house that is excess of your needs, place it in a *waqf* for religious education provided you do not mean to harm any of your heirs or to dispossess them of their share of inheritance.

When you so set aside some of your property in *waqf*, you will reap benefit as long as religious education is imparted in it, and so to the Last Day.

For your convenience, we present here a specimen of a *waqf* document.

22. THE METHOD OF PUTTING AN APARTMENT OR A PIECE OF LAND IN A TRUST

I make this declaration in a state of sound health and of my own accord and pleasure. I hand over to the authorities of (name of the institution) possession of my following properties (here list of properties with location and details) as *waqf* properties with the explicit understanding that they will be used for religious purposes, training of the Qur'an and *Ahadiith* and furtherance of their teachings. As of today I have no rights over these properties and they cease to be my assets. I pray that this action will bring me everlasting reward as recurring charities.

I have signed this declaration before two witnesses and a copy of this deed is given to my wife and children. After my death these properties will not form part of my legacy and my heirs will hold no claim over them. I have met the legal procedures in this regard and handed over proprietary rights to the authorities of the aforementioned institution. The keys of the flats have been handed over to them.

The monthly income derived from my under-mentioned properties may be included with my other properties to pay off my debts to my Creator and to my fellow human beings. (Include here details of these properties)

The one-third of my assets after distribution to my heirs may be utilised in the following manner:

1. There are some *Ulama* engaged in the propagation of Islam. These noble men do not reveal their difficulties to fellow men. Such *Ulama* may be looked after.
2. Some students, in spite of their young age, vigour and capabilities to earn for themselves, have devoted their lives to religious studies disregarding their personal needs. They study the Qur'an and *Ahadith* of the Holy Prophet ﷺ. They may be provided for through a *waqf* so that a recurring charity is created for my heirs and myself.
3. The needs be met of those who pursue religious knowledge and propagate Islam for the pleasure of Allah.
4. The immediate needs of the near relatives who are in difficult circumstances or very poor, or a widow, or orphans, or any other poor people may be provided for.

23. NECESSARY DIRECTIONS ON DRAFTING A WILL

We give here some more directions on writing down the will. It is not possible to go into details so only a brief guideline is provided. Individual cases with their peculiarities may be sorted out by reference to *Ulama* and *Muftis*.

DIRECTION 1: It is invalid to draw a will in favour of an heir. If a person has specified any of his children, spouse or any other legal heir as a beneficiary in his will, then this will is unreliable and invalid. The heirs will get to the extent of their legal share of inheritance; they are not entitled to more than that.

The Holy Prophet ﷺ said in his sermon on the *Hajjat-ul-Wida* (the farewell pilgrimage):

﴿إِنَّ اللَّهَ قَدْ أَعْطَى كُلَّ ذِي حَقٍّ حَقَّهُ فَلَا وَصِيَّةَ لِرِثٍ﴾

(بحواله ابو داود وصححه ١٢٦٥)

Allah has granted every entitled person his right so no heir may be left a legacy.¹

DIRECTION 2: Before paying the heirs their shares, the executors must ascertain if the dead man had paid his wife her dower. If it is unpaid, it must be paid as a liability together with other debts from the total wealth before execution of the will. The shares of inheritance may only then be paid and the wife will also receive her share of inheritance as an heir. If the dead man has not left behind enough wealth for distribution to the heirs after payment of the dower, then the dower must be treated as a debt and paid along with other liabilities. The heirs will not receive anything if there is no balance left.²

DIRECTION 3: After burial of the dead, his debts must be paid from his total wealth. Thereafter, his wishes as contained in the will must be respected to the extent of one-third of his residual wealth. If the value of the will exceeds one-third of the wealth, it is invalid in the eyes of *Shari'ah*. The procedure after burial is payment of debts before everything. Implementation of the will follows. In other words, settlement of debts precedes execution of the will. If the entire wealth is exhausted while the

¹ abu Dawood.

² surah an Nisa', 4:12, 'Ma'ariful Qur'an', v 2, pp. 325-5.

debts are being settled, neither is the will executed nor the inheritance paid.¹

DIRECTION 4: If the dead person did not owe anyone any sum of money and did not leave a will either, his entire will and assets, after meeting his burial expenses, will go to his heirs.

DIRECTION 5: The clothes that the dead person had on him at the time of his death are also part of his legacy. Most people give them away in charity without including them in the assets of the dead person. Some people donate to the poor the utensils made of copper and brass without distributing them to the heirs. It must be understood that the minor heirs and those heirs who are not present there also have a share in the total wealth and assets. The method is to first divide the wealth and property so that the children, spouse, parents, sisters get their share according to *Shari'ah*. Then these people, if they so choose, may give in charity, individually or collectively, whatever they like on behalf of the dead person. If they choose to give collectively, only the adults can join together. As for the minors, anything given in charity by them, or on their behalf, even with their consent, is invalid. As for the adult heir who is not present, his share may not be disturbed without his permission.

DIRECTION 6: The sheet that is placed over the bier when the corpse is taken to the graveyard is not part of the shroud. It is unlawful to purchase it with the money of the dead person because that money is now part of a divisible common wealth. However, any one may buy it with his own money. It is a

custom with some people that they make a prayer rug out of the shroud and offer it to the Imam who has led the funeral prayer. The consequent expenditure is in excess of the cost of the shroud and it is unlawful to spend money for it out of the common wealth of the heirs. Further, we are under no obligation to give the Imam a prayer rug.

DIRECTION 7: It is not lawful to entertain guests or offer *sadaqah* or charity from the dead person's possessions before division of the inheritance. No reward will accrue to the dead from offering such *sadaqah* and charity. On the contrary, it is extremely sinful to believe that such acts are virtuous. Once a person dies, the wealth and property he leaves behind, belong to his heirs some of whom may be orphans and to spend out of such wealth may be likened to stealing someone's money to offer *sadaqah* on behalf of the dead. Therefore, the inheritance must be distributed first. Subsequently, if the heirs choose to offer charity from their property on behalf of their dead relative, they are authorised to do so. It is incorrect to give *sadaqah* or charity from this wealth before distribution of the shares even if permission is granted by the heirs. The consent of the orphans (or minors) is invalid and it is not clear if the adults have given their approval of their own accord or under compulsion, out of regard for other people or fear of censure. In the eyes of *Shari'ah* only that donation is lawful that the donor has made willingly and happily.

DIRECTION 8: THE UNBORN CHILD'S SHARE IN THE INHERITANCE. If a dead man is survived by children and a pregnant wife, the unborn child is also entitled to inherit. However, since the sex of the unborn is not determined and the possibility of the birth of twins cannot be ruled out, distribution

¹ *Timizi, quoted in the 'Ma'arif ul Qur'an'.*

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¹ Tirmidhi, quoted in the 'Mu'ariful Qur'an'.

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of the inheritance must be held in abeyance until the child is born. If it is not feasible to delay the distribution of the shares, two possibilities must be hypothesised: the share of a girl and the share of a boy must be worked out and the amount payable to the heirs in each case must be observed; the heirs must be paid their shares according to the case in which a lesser amount is paid and the balance kept for the unborn.

SUPPLEMENTARY NOTE: *Shari'ah* explains to us every matter. It deals with the seemingly insignificant affair in fair detail. It guides us on everyday affairs and the most unusual of situations. A Jew mocked Hazrat Salman رضي الله عنه "Your Prophet tells you how to go to the toilet." He proudly confirmed that the Holy Prophet عليه الصلاة والسلام has taught his *Ummah* the manners of attaining cleanliness, to sit so that one does not face the *Qiblah* or turn one's back to it while relieving oneself, and not to use the right hand to remove the impurity.¹

How unfortunate it is of us, then, that we do not heed the teachings of our religion, that we ignore to act on them or invite others to act on them, and that we lack the will to propagate it to non-Muslims. May Allah inspire us to practise the teachings of Islam and to disseminate them the world over and to offer ourselves bodily, give our time and abilities for the purpose. *Aameen!*

24. THE WILL THE ULAMA AND RELIGIOUS DIGNITARIES MAY DRAW

¹ abu Dawood.

The well-known *Ulama* and religious luminaries must list in their wills the disagreeable practices from which their disciples, followers, students and companions must keep away. They may appoint some serious-minded companions to supervise the performance of this part of their wills to prevent people from violating the *sunnah* of the Holy Prophet عليه الصلاة والسلام after their death. Those so appointed must see that no act contrary to the teaching of the Prophet is done during burial, funeral prayers and surrendering the reward to the dead. Particular care must be exercised to forestall

- ⇒ photograph of the corpse,
- ⇒ putting out photographs in the newspapers,
- ⇒ delay burial to gather a large number of people or allow a distant relative to arrive for a glimpse of the dead,
- ⇒ transfer the corpse to another place,
- ⇒ offer the funeral prayer more than once, or in absentia,
- ⇒ bury the corpse in a private place that is not a graveyard,
- ⇒ bury in the *waqf* property of a mosque, *madrasah*, *khanchah* other than a graveyard,
- ⇒ erect walls around the grave or a shelter over it,
- ⇒ gather people to offer prayers, etc. for consigning reward to the dead or for condolence,
- ⇒ eulogise the dead beyond limits for having done extraordinary deeds.

25. THE WILL OF HAKIM-UL-UMMAH

We present here part of the will of Hazrat Hakim-ul-Ummah. The entire will may be found in *Ashraf us-Sawan* v. 3 and the *Kitab ul-wasaya* by Iftikhar Faridi.

I request all my descendants that each of them may remember always to recite the *surah* Yasin, once, and *surah* al-Ikhlās, three times, and pray to Allah to bestow the reward thereof to me. None of them may do anything against *sunnah*, or commit *bid'ah* of the layman or of the learned. Let not people gather together with the intention to pray for me, invited or uninvited. If they are assembled for some purpose, then they may intentionally separate at the time of recitation and each must take up whatever he is inclined towards (and pray for me). He may supplicate to Allah, offer *sadaqah*, engage in an optional worship and give over the reward to me.¹

26. INSTRUCTIONS FOR THE HEIRS

It must be understood that if so much as a cardamom is found on the corpse, it is unlawful for anyone to eat it without the permission of the heirs. We may then gauge the consequences of the misuse of the dead person's possessions depriving an heir of his share.

We must disclose to the learned *Mufti* detail of everything the dead person has left behind—from an opal to a needle. The

¹ *wasaya*, pp. 74, *Majlis Nashriyat Islam*, Karachi.

Mufti must be informed about the heirs, the debts, the last wishes or instructions expressed orally or in writing while dying or during illness. The *Mufti* may be requested to show the heirs the correct procedure to follow. All may then act on the advice.

How is it wise for a person to risk disgrace in the hereafter for the sake of a minute gain in this temporary life. People do not realise that dishonesty in dealing with fellow human beings, eats into the rewards of ritual prayers and fasting.

We must recognise that when we defy the dictates of *Shari'ah* we stand to lose the rewards of ritual prayers, fasting, *hajj* and *jihad*, whether our defiance is through dealing in interest, usurpation of property, seizing the rights of sisters, unlawful trade or abuse of trusts. Seven hundred ritual prayers that had met recognition lose all value and estimation when the worshipper does not return another's money howsoever paltry it may be, or offers excuses to delay repayment.¹ May Allah preserve us!

Thus, we must heed this. If we have taken over another's property wrongly, it is a debt on us that we must return immediately. *Shari'ah* reproaches a person who buries himself under debt unnecessarily. We must rid ourselves of our debts as soon as we can.

The procedure of distribution of inheritance is explained once again. Out of the assets the dead person has left behind, made up of cash, jewellery, property and other miscellaneous

¹ *Shami*, v.1, pp. 323, *Khairul Fatawa* v 2, pp 272, *Fadail Hajj* 56, *Risalah Masalah Sood* pp 91, the case of Hinda and Zaid ibn arqam رضى الله عنه.

25. THE WILL OF HAKIM-UL-UMMAH

We present here part of the will of Hazrat Hakim-ul-Ummah. The entire will may be found in *Ashraf us-Sawan* v. 3 and the *kitaab ul-wasaya* by Iftikhar Faridi.

I request all my descendants that each of them may remember always to recite the *surah* Yasin, once, and *surah* al-Ikhlās, three times, and pray to Allah to bestow the reward thereof to me. None of them may do anything against sunnah, or commit bid'ah of the layman or of the learned. Let not people gather together with the intention to pray for me, invited or uninvited. If they are assembled for some purpose, then they may intentionally separate at the time of recitation and each must take up whatever he is inclined towards (and pray for me). He may supplicate to Allah, offer *sadaqah*, engage in an optional worship and give over the reward to me.

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items of various proportion, reasonable expenses for his burial must be paid. Then, his debts must be paid. Debts include the unpaid dower of a man's wife. Then, his lawful instructions in his will be taken care of; these instructions can only be up to one-third of his wealth and they may be in favour of anybody who is not an heir. If the instructions meet these criteria, they may be fulfilled. Thereafter, the remaining wealth must be distributed among the heirs as prescribed in the *Shari'ah* by Allah and His Messenger ﷺ. The honourable *Muftis* may be consulted on this subject.

27. THOSE WHO DO NOT DISTRIBUTE THE INHERITANCE ARE BARBAROUS IN THREE WAYS

Hazrat Mufti Muhammad Shafi, has written that a person who fails to distribute an inheritance commits cruelty in three ways.

1. The legacy is a favour from Allah to His slaves. It goes to the bereaved without any effort on his part and it may be termed 'a Royal Gift'. It is our duty to deliver the 'Royal Gift' to its rightful owners. Thus if the responsible people do not obey the injunctions and keep the Gift for their own use, they are misappropriating the favour and this is a very cruel act.

2. The wealth left behind by a dead person belongs to all his children. Brothers and sisters are now co-owners of this wealth, as is the spouse of the deceased. When one of them, or some of them, refrain from distributing the wealth to all those entitled, they violate their rights and it is cruelty to violate anybody's rights. Just as it is cruel to snatch the property or money of

another, so also it is unkind to hold back the share of others in an inheritance and in doing so, taking their rights.

3. It is cruel not to give the heirs their rights. This cruelty passes down generations. When it becomes a custom with a people not to distribute a dead man's wealth, the sons hold back the inheritance; when they die, the grandsons commit the same crime and this goes on down generations. The accumulated punishment is awarded to the first batch who had withheld distribution of their elder's wealth among the heirs according to *Shari'ah*.¹

28. LEGACY MUST BE DISTRIBUTED PROMPTLY UPON DEATH

Those whom Allah has caused to be mindful of the hereafter are careful to distribute the inheritance before they do anything else. The command of *Shari'ah* is just that. *First give him a bath, bury him and pay his debts. Then execute his final instructions (will) up to one-third of his wealth.*

The most important obligation thereafter is to distribute his inheritance. The sooner this is done, the better it is for all concerned. The more it is delayed, the more the complications so that a brother does not hesitate to kill his brother.

Hazrat Mufti Muhammad Shafi explains in his exegesis of the Qur'an in the second section of *surah an-Nisa'*:

When a person dies, his heir gains entitlement to every portion, and to everything, large or small, of his wealth.

¹ *Taqseem Virasat ki Aheeyat*, pp. 15, Mufti Abdur Rauf Sakhurvi.

His minor children become orphans but, in practically every family, these orphans are subject to cruelty and oppression. Whoever assumes charge of the wealth of their father—an uncle, elder brother, mother or any other guardian or legatee—he is most likely to perpetrate those things that are disallowed in this *ruku'* (section).

In the first instance, they do not distribute the wealth for years on end. They spend only a minute amount on the feeding of the children but go on throwing away from this wealth on innovative and needless customs. They also satisfy their own needs from it and manipulate official documents to replace the names of the orphans with the names of their children. Only in rare cases such things are not found.¹

29. GETTING ONE'S WIFE TO FORGIVE THE DOWER ON THE VERY FIRST NIGHT

Among some people it is customary for a husband to ask his wife, on the very first night, to forgive him the dower. He does not hesitate to pressurise her going so far as to cease from approaching her until she waives her right to the dower. It must be understood that it is unlawful for a husband to do so and his liability to pay the dower does not cease by obtaining a waiver in this manner. As it is, it is shameless of him to ask a woman to forgive him the dower. May Allah preserve us!

30. HEIRS MUST ENSURE PAYMENT OF DEBTS

The unpaid dower of a wife is part of the debts the man owes. If a man has not paid it to his wife during his lifetime, then it must be paid to her just as his other debts are paid to the creditors, after payment of the expenses on his burial. If all his wealth stands consumed in the payment of his debts, it does not matter because this has to be done. The successors of the dead must not procrastinate at all in doing so; as long as his debts remain unpaid his soul will not gain entry into Paradise. This is because a debt is a right of a fellow creature (a slave of Allah) and as long as a dead person has another's right over him, he cannot proceed (towards Paradise). Therefore, we must have mercy on our dead and as far as possible pay his debts.

The debts that the dead person had written about must be paid. However, where he was known to be careless in writing down his accounts, his debts must be ascertained from his companions and those with whom he dealt. Those debts that are proved must be paid.

31. IT IS CRUELTY TO HOLD BACK ANOTHER'S WEALTH

If anyone so much as thinks of depriving the heirs of the legacy, he must know that it is a severe crime to do so.

According to a *Hadith*, the Holy Prophet عليه الصلاة والسلام has said: *If a person who deprives an heir of his share of inheritance, Allah will deprive him of his share in Paradise.*¹

¹ *M'ariful Quran* v.2, pp. 316.

¹ *ibn Majah, Mishkat* pp 266, # 2938.

It is a cause of grave torment to snatch the right of an heir. We have the saying of our beloved Prophet: *Listen, do not torment anyone! Beware, a Muslim's wealth is not lawful to you without his cheerful consent.*¹

It tells us not to devour the wealth of another unlawfully. All the heirs of a dead person have a share in the wealth he leaves behind and it is cruel to retain it without permission.

In another *Hadith*, we are told in some detail: *Observe, if you have been cruel to any of your brothers, then ask him to forgive you today! (Do it) before the day arrives when neither dirham nor dinar will benefit you. Rather, on that day, if the tormentor has to his credit pious deeds, so much of his pious deeds will go to his victim brother (as much as he had been cruel to him). If, on the other hand, he has no pious deeds with him, his victim brother's sins will be put over him to the extent of his cruelty.*²

After a person has died, his heirs, all of them, are partners in the wealth that he has left behind including something as insignificant as a needle. If this is so, then how can we justify use of the wealth without the approval of the heirs? More so, if there is a minor (or more than one) among the heirs, the situation is more complex and serious because Allah has declared that it is unlawful to misuse the property of minors and orphans. He has said:

﴿إِنَّ الَّذِينَ يَأْكُلُونَ أَمْوَالَ الْيَتَامَىٰ ظُلْمًا إِنَّمَا يَأْكُلُونَ فِي بُطُونِهِمْ نَارًا،

وَيَصِلُونَ سَعِيرًا﴾ (سورة النساء آيت ١٠)

¹ Bayhaqi.

² Bukhari, *hadith* # 2269

Verily, those who unjustly eat up the property of orphans, they eat up only a fire into their bellies, and they will be burnt in the blazing Fire!

32. CRUELTY THAT IS RAMPANT IN OUR SOCIETY

We have seen that we are warned of a severe punishment if we fail to distribute the wealth left behind by a dead person. In spite of this, we find that the practice of distributing the inheritance is non-existent in our society. When a father dies, his sons assume proprietorship of his assets. The brothers do not give their sisters their due share of inheritance. Similarly, the dead man's wife too is deprived of her share. Neither does a mother nor do the daughters receive their portions of inheritance. Minors do not obtain their dues. Those brothers who live as subordinates from the time of their father and had no say in the management of affairs are also denied their share of inheritance. Normally, these brothers, who do not have the reins of the affairs of their father in their hands, obtain *fatwa* (a religious ruling) from the *Muftis* to vindicate their position but the other set of brothers, who hold the reins, reject the *fatwa* outright. This unjust state of affairs prevails in our society, we cannot say since when!

Those brothers who do not honour the rights of their younger brothers and sisters, giving them nothing at all or only part of the rights, suffer the natural consequences of their

misdeeds. They suffer monetary losses through illness, difficulties or tribulations. To ward off the misfortunes, they seek amulets, water that is prayed upon or offer sheep as *sadaqah*. They must realise that their problems will be over only if they honour the rights that they have violated. These problems afflict them as signs of warning to mend their ways. If they do not make amends even after the warning signs, the curses of their victims may cause them to suffer losses in their legal wealth too. This is the punishment they endure in this world; in the next, the punishment will be more severe and painful. May Allah preserve all of us! May He inspire us to observe the injunctions of *Shari'ah* by immediately disbursing the wealth of the person who has died. *Aameen*, O Lord of the worlds!

33. CHOICE BETWEEN BROTHER AND WEALTH

May Allah preserve us! Some brothers, when their sisters ask for their shares of the inheritance, go so far as to torment them with the question, "Will you choose your brother or the wealth you demand?" In giving her this choice the implication is that when a sister demands her share in the inheritance then their mutual relationship will end for ever. They will no longer share with her occasions of happiness and sadness in life. However, if she does not raise the demand, they are brothers to her and will sustain their affinity with her. This is how cruelty and injustice is meted out to female heirs in the family.

¹ *surah an-Nisa*, 4:10.

It Is Wrong To Get Sisters To Renounce Their Rights

Some people, although they lay high claims to piety and sanctity, coax their sisters to renounce their shares in their favour. The sisters express oral withdrawal in favour of their brothers who then imagine that they are now the sole inheritors and that their sisters and mother no longer enjoy a claim over the bequest. Such oral renunciation is invalid in the eyes of *Shari'ah*. The shares of the sisters do not pass on to the brothers by such withdrawal. The share of the sisters are not lawful to the brothers and they cannot use them for their personal ends.

The Hindu Way of Thinking

The concept that daughters are not entitled to inheritance is a Hindu approach. Among the Hindus a woman can never inherit property; whatever her father has given to her during his lifetime is all she can get and after his death all his inheritable wealth goes to his sons and no woman may inherit it. This practice has left its mark on the Muslims who have suffered from this thinking because of want of religious effort among them. Whatever I have narrated before you is the influence of the Hindu reasoning on our ignorant people.

Hand Over To Your Sisters Their Share, First

Therefore, you must counter this influence by beginning with your sisters or daughters when distributing the inheritance. Allow them full authority to do with their shares as they please. The declaration of the women, before you give them their shares, that they do not wish to have anything is of no effect.

This is so because the custom is already in vogue through which they do not receive any share and, secondly, brothers already harbour a desire not to give them anything and look for excuses to deprive them of their due. The brothers venture to retain themselves every possession of their father and not to give anything to their sisters. Brothers must realise that they will have to face Allah and they must fear their fate in the hereafter. They must cheerfully and with liberality hand over separately to each heir the full amount of his share. They must ask their sisters and mother to preserve their shares so that "we are free of blame before Allah". They may be told that they can use their shares as they please — donate to a charitable cause or set aside for personal use.

34. THE WIDOW TAKES OVER THE HOUSEHOLD ITEMS

It also happens that after the death of a father, his sons, on the one hand, take over possession of his business assets and wealth and property and, on the other, his widow appropriates whatever is in the house. She uses them as she wills. She must realise that her taking possession of household material is as grave and illegal as her sons' appropriation of outside possessions.

35. GET A FATWA FIRST

It is upon the heirs, therefore, that before all else they must prepare a question directed to a *Mufti* for a *fatwa* (a ruling on religious matters) asking him how they may distribute the legacy. They may mention in the questionnaire that their father has expired and append a list of the heirs. It is the duty of the executors of the will to act according to the answer they receive. They must understand that even a slight injustice to anyone will invite a severe torment.

36. DREADFUL PUNISHMENT AND WARNING

We find in a *Hadith*:

The person who unrightfully dispossesses another of so much as a span of land, will have the soil of that piece of land tied round his neck as a collar — the soil having been dug out from under the seven earths.'

The words of another version are:

The person who has usurped a span of land, when he emerges from his grave on the Day of Resurrection, Allah will command him to dig up deep into the seven earths to get to this land. When he digs it up, the soil that is so collected will be formed into a necklace and placed round his neck. He will suffer this punishment until the process of accountability continues.¹

Yet another version has it:

If a person usurps the land of another, he will be pushed into this land the depth of seven earths.²

May Allah preserve us! *Aameen!* The necklace round the neck will carry tons of earth and if he is pushed into the earth he will be under tons of soil. How painful the punishment!

37. IT IS UNLAWFUL TO DEVOUR THE PROPERTY OF AN ORPHAN

It is unlawful to devour the property of an orphan and to not distribute the legacy. Therefore, we must be very particular in discharging this obligation. We have ceased to implement the rules of *Shari'ah*, and every one of us follows his own whims in the matter of the legacy. When minors and orphans are among the heirs, our failure to meet the obligations becomes more liable to condemnation and torment. It is unlawful to appropriate the property of orphans, and more often than not

¹ *Ahsanul hadith* - 1693,

² *Bukhari*.

there are orphans among the heirs. Their elder brothers do not care that the orphans have a share in every piece of the legacy and that they are not entitled to utilise the share of the orphans. It is incumbent upon these elder brothers that they divide the legacy forthwith and give the minors their shares. Then, if the elder brothers agree among themselves unanimously, they may put their own shares in a partnership or act individually.

38. WHO REALLY IS AN INDIGENT

We must contemplate on the *Hadith* the gist of which we present here: The Holy Prophet *عليه الصلاة والسلام* once asked his Companions *رضي الله عنهم* the question *who in reality is an indigent*. Their reply was that they considered one who had no money on him as an indigent. The Prophet corrected them and pointed out *that an indigent is one who arrives before Allah with a mountain of pious deeds. He will have offered many ritual prayers, been very regular in zikr (remembrance of Allah) and glorified Him much and donated generously in charity. But, while he is there, claimants too arrive there whose right he had betrayed, abused some of them, beaten some and tormented others. They will submit before Allah, "O Allah we have a claim over him against our rights that he had transgressed," And, in the hereafter money would not be the valid currency. The legal tender there would be pious deeds. Payment of rights will be through giving up pious deeds. Thus, Allah will repay the claimants by crediting them with the pious deeds of this person. The mountain of pious deeds will be consumed up but there would still be claimants clamouring to be satisfied. The*

next stage in satisfying them will be to take away from them their sins and put them over this person. With the sinful deeds over him, he will be sent to Hell.'

When he had arrived he was confident that he will go to Paradise but he is now facing Hell. He عليه الصلاة والسلام added: *He is the true indigent.*

Let it not happen that by failing to distribute a legacy we may deprive our relatives of their rights. May Allah cause us to repay their rights here in this world. *Aameen!*

Be Mindful Of The Rights Of Fellow Creatures

My friends, we must spend our lives in such a way that we do not injure others by our tongue or by our hands and feet and we must not leave unpaid the monetary rights of others.

My respected teacher, Maulana Subhan Mahmood may Allah perpetuate his blessings used to say, "If a person arrives on the Day of Resurrection having owed only a quarter of a rupee which he failed to repay in the world, he will now have to compensate the creditor by offering seven hundred ritual prayers that had gained approval." My friends, the Day of Resurrection is sure to come. Accountability is bound to take place. On that day the Register that shows rights of fellow creatures will be opened without doubt. We must, therefore, give up the practice of not distributing inheritance. We must see that all heirs duly receive their shares of inheritance according to *Shari'ah*. May Allah inspire us to cease this evil practice of not distributing legacy.

¹ Muslim, hadith # 4678.

May He cause us to be solicitous in distributing the share of each heir. *Aameen!*

And the close of our request is that all praise belongs to Allah, Lord of the worlds.¹

39. CAN YOU DO ALL THIS FOR YOUR PARENTS

WHO HAVE DIED

1. When you have read the foregoing text on the will, if you think that your parents had omitted to fulfil their obligations, then you can redeem their lapses. Ask the honourable *Ulama* and *Muftis* how this may be done and take steps to implement them. (At the end of this book we give the addresses and telephone numbers of the honourable *Ulama* and *Muftis* and you may write to them or call them.)

2. Put in an effort yourself, and get your subordinates to do so too, to spread the message of Islam. Devote physically to this cause, put in monetary efforts and give your time. Try to spread the message through your three-pronged effort. The Muslims that you meet in your twentyfour hours, get them to be practising Muslims in every way and to spread the message further. As for the non-Muslims that you meet try to bring them nearer Islam and adopt lawful tactics to interest them in Islam. The virtuous award of your effort will be conveyed to your parents.

3. If you are not yourself a *hafiz*¹ or an *'alim*², do not deprive your children of this virtue. See that all your sons and daughters

¹ adopted with thanks from the sermon *Islam may taqseem miras ki ahmiyat*.

memorise the Qur'an and learn to become scholars of Islam. The least you should do is see that they recite the Qur'an correctly according to *Tajweed* (the correct method of recital) and teach them the Arabic language. This will also be a *sadaqah-e-jariyah* (a continuous reward fetching deed) for your parents.

4. If your father was a businessman and may have been harsh or unjust to his subordinates or customers or petty traders, deal with them nicely and let them have more from you so that they are inclined to forgive your deceased father his lapses.

5. Similarly, if your mother had committed excesses on the maids or poor relatives, try to get them to forgive her.

6. If your father was an employee and during his employment he was negligent in the discharge of his duties or in handling monies, then try to repay them and get a pardon for him.

7. Be cordial to the friends of your parents. To be good to those who had any connection with one's parents is like being good to one's parents so that if one had shown misconduct to one's parents, he can now make amends. A *Hadith* is narrated by Hazrat abu Sa'eed Malik bin Rabi'ah رضي الله عنه. He says that they were present in the company of the Holy Prophet عليه الصلاة والسلام when a person from the tribe of Banu Salmah arrived and said, "O Messenger of Allah, is there for me, after the death of my parents, an avenue to show them kindness and good nature in any way?" Our beloved Prophet عليه الصلاة والسلام said: *Yes, of course!*

¹ one who has committed the Qur'an to memory.
² scholar of Islam.

Pray for them. Seek forgiveness for them. If they had made any commitment with anyone, fulfil it. Be good-natured to the relatives. Respect their friends.'

In another version we have that the man then said, "O Messenger of Allah, what an excellent thing this is!" The Prophet عليه الصلاة والسلام said □ □: *Then act on it!*¹

Ibn Dinar says that Hazrat ibn Umar رضي الله عنهما² was travelling along a road to Makkah. He found a Baddu³ walking along. He offered him his conveyance and presented him the turban that he had round his head. Ibn Dinar remarked "the man would have been pleased with a lesser grant (while you gave him your turban and the animal you were riding on)". Hazrat ibn Umar, رضي الله عنه said, "His father was one of my father's friends and I have heard the Prophet عليه الصلاة والسلام say that the best reciprocal act for a man is to be kind to the friends of his father."

Hazrat abu Hurairah رضي الله عنه says that when he arrived at Madinah, Hazrat ibn Umar رضي الله عنهما visited him and asked him if he knew why he had paid him a visit. Then he said, "I have heard the Holy Prophet عليه الصلاة والسلام say that *the person who cherishes a fair reward for his father in his grave must be courteous to the friends of his father*. My father Umar and your

¹ abu Dawood.

² Targhib.

³ the pronoun them refers to both father and son (*ibn* means son of).

⁴ desert Arab.

father were friends. I have come to you because the children of a friend are friends too.¹

A Great Favour On One's Parents

After the death of one's parents, the greatest favour one can show to those who had contact with them is to try to grow in them a religious bent of mind. We may put in an effort to stop them from being disobedient to Allah and begin to obey His commands and follow the path shown by His Messenger عليه الصلاة والسلام. Thus, for example, a daughter must see that a friend of her mother does not die without being induced to veil herself in a proper *Shari'ah* pattern. Or, when the daughters and granddaughters move about without observing the *pardah* (veil) thus displeasing Allah and His Messenger, she must try her best, with love and wisdom, that they develop religious consciousness and work to popularise the message of Islam among their families and the entire society. In the same way, it is for a son to attempt to persuade the friends of his father to become full-fledged practising Muslims. He must get them to join him in disseminating the teachings of Islam everywhere in the world. Let him create in them an abhorrence for male countenances that are not like the face of our beloved Prophet عليه الصلاة والسلام (and they grow a beard as preferred by *Shari'ah*). You must invite them to religious gatherings where notable people and *Ulama* deliver sermons so that they are influenced from the religious atmosphere around them. Let them travel in the cause of religion passing on the word of Islam

¹ *Fadail Sadaqah*, pp. 226.

wherever they go. Invite them to your house to listen to those people who have travelled in the cause of Allah, to the *Ulama* and to the righteous people. This will strengthen their links with people who work for religion and they will spend their days with them.

If your efforts pay and your prayers are answered, they will become practising Muslims eager to deliver Islam's message to others. Your effort will, for its part, fetch you and your parents immense reward; it will be great favour by you on yourself, on them and on your parents.

If a daughter finds that her parents who have died were lax in the management of the house so that religious duties are not observed as they should be, she must do her best to rectify the situation. Thus, for example, if girls in the family do not observe the *pardah*, she must induce them to veil themselves and not come before strangers without proper covering otherwise the sin will fall on her as well as on her parents. By implementing the directives of Islam, these people will be showing mercy to their dead parents and everyone concerned will reap huge benefit in the hereafter.

Your deceased father, out of carelessness in pursuance of the prevailing evil customs or in deference to the wishes of the family members, may have brought into the house undesirable things that promote sins. Or he may have connived at some other family member having brought it into the house. Be that as it may, the undesirable thing is there in your house. It may be a television set or an allied item, a photograph of an animate, or a musical instrument. It is your duty now to throw such things out of the house. As long as these things are available to your family members and every time they use them, the sin rests not

only on the user but also on every member of the house and the accumulated sin falls on the dead parents. May Allah protect us! Therefore, ponder over it with a cool heart. For the sake of Allah, change your life style. Be mindful of the injunctions of *Shari'ah*. Do know that it is not enough for you to read the Qur'an from cover to cover many times over to ward off calamities but it is more important to shun undesirable and unlawful activities in the house.

Or, your late father may have been indiscreet in enrolling you and your brothers and sisters in a club or society where the atmosphere is carefree. Opportunities may be available there to indulge in immodesty and to put modesty and faith at stake. It is then necessary for you and your brothers and sisters to come out of this environment and thus be merciful to yourselves and your parent. Revoke your membership. Then, in future, when you are a parent, exercise care and never let your children go near such places otherwise the consequences of their misdeeds will land on you too.

8. We learn from a *Hadith* that *a person who wishes to perform hajj on behalf of his parents then (must know that) a hajj-e-badal¹ can be performed. Their souls in heaven are given the glad tidings. This person is regarded with Allah as an obedient child of his parents although he may have been disobedient in life.*

In another version we are told that *when a person performs hajj for either of his parents, the parent earns reward against*

¹ hajj-e-badal is hajj for another person.

one hajj while this person earns a reward on (performance of) nine hajj.¹

One *Hadith* recommends to us that *when we offer an optional sadaqah, we may commit the reward against it to our parents provided they are Muslims? In this way while they gain virtue, we do not lose anything from the reward against offering the sadaqah.²* This *Hadith* offers us tremendous facility so that we are not bound to spend a large sum of money. Every time we quietly give in charity a trifling amount, we may dedicate the reward to our parents.

Hazrat Abdullah bin Salam رضى الله عنه swears: *By that Pure Being Who sent the Prophet صلى الله عليه وسلم with the Truth, it is found in His Words that you should not sever ties with the person who shows kindness to your father. If you insist on so doing, you will be losing your light.*

Another *Hadith* tells us that *he who visits the graves of his parents, or the grave of one of them, every Friday, he will be forgiven and grouped among the obedient.*

Awza'i says that I have learnt that if a person had been disobedient to his parents but when they have died he seeks from Allah forgiveness for them, pays their debts and does not speak ill of them, he will be enlisted among those who are obedient. On the other hand, although a person had been obedient to his parents during their life time but when they are no more alive, he speaks ill of them, does not pay their debts

¹ Fudail Sadaqat pp. 248.

² kanz.

and does not ask that they be forgiven, he is classed among the disobedient.¹

Hazrat Shaikh-ul-Hadith Writes

Here is something of the great blessings of Allah and His favours and kindness: It often happens with parents that during their lifetime some unpleasantness does crop up. However, the agony is fleeting. Parents are such a blessing that ill-feeling cannot survive once they are dead. Their innumerable favours keep one uneasy but what can be done now? How may we correct the wrong done to them during their life time?

Allah, the Gracious — may His Munificence be universal — has favoured us by leaving the door open through which we may rectify our mistake. Even after they have died, we may please them by praying for them and imploring Allah to forgive them. We may convey reward to them in the ways shown to us by *Shari'ah* through physical or financial pious activity. In this way, we may redeem their rights that we had neglected when they lived and have our names struck off the list of disobedient and have them enrolled among the obedient.

What a great favour it is from Allah! Although the time has passed yet He has left for us an opening through which we may make amends! How great a callousness on our part it would be if we let go this opportunity! Could there be one who has ever been pleasing to his parents? When it comes to meeting their privileges some negligence is found always. If we schedule our days in such a way that we include some acts whose virtuous

¹ Fada'il Sadaqat.

reward we convey to them, how excellent amends may we make!

A Lovely Prayer For The Parents

Allama 'Aini may Allah show mercy to him has d a *Hadith* in *Sharah Bukhari*. He recounts a prayer and says that if we recite it once it would be as though we have given our parents their rights. The prayer is:

﴿الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ رَبِّ السَّمُوتِ وَرَبِّ الْأَرْضِ رَبِّ الْعَالَمِينَ وَلَهُ
الْكِبْرِيَاءُ فِي السَّمُوتِ وَالْأَرْضِ وَهُوَ الْعَزِيزُ الْحَكِيمُ﴾ لِلَّهِ الْحَمْدُ رَبِّ
السَّمُوتِ وَرَبِّ الْأَرْضِ رَبِّ الْعَالَمِينَ وَلَهُ الْعُظْمَةُ فِي السَّمُوتِ وَالْأَرْضِ
وَهُوَ الْعَزِيزُ الْحَكِيمُ ﴿هُوَ الْمَلِكُ رَبُّ السَّمُوتِ وَرَبُّ الْأَرْضِ وَرَبُّ
الْعَالَمِينَ وَلَهُ التَّوَكُّلُ فِي السَّمُوتِ وَالْأَرْضِ وَهُوَ الْعَزِيزُ الْحَكِيمُ﴾

All praise belongs to Allah, Lord of the heavens and Lord of the earth, Lord of the worlds. His alone is the Majesty in the heavens and the earth and He is Mighty, Wise. All praise belongs to Allah, Lord of the heavens and Lord of the earth, Lord of the worlds. His alone is Greatness in the skies and the earth and He is Mighty, Wise. He is the King, Lord

¹ Fada'il Sadaqat pp. 268.

and does not ask that they be forgiven, he is classed among the disobedient.¹

Hazrat Shaikh-ul-Hadith Writes

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reward we convey to them, how excellent amends may we make!

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الْكِبْرِيَاءُ فِي السَّمُوْتِ وَالْاَرْضِ وَهُوَ الْعَزِيْزُ الْحَكِيْمُ ۝ لِلّٰهِ الْحَمْدُ رَبِّ
السَّمُوْتِ وَرَبِّ الْاَرْضِ رَبِّ الْعَالَمِيْنَ ۝ وَلَهُ الْعُظْمَةُ فِي السَّمُوْتِ وَالْاَرْضِ
وَهُوَ الْعَزِيْزُ الْحَكِيْمُ ۝ هُوَ الْمَلِكُ رَبُّ السَّمُوْتِ وَرَبُّ الْاَرْضِ وَرَبُّ
الْعَالَمِيْنَ ۝ وَلَهُ التَّوْرُ فِي السَّمُوْتِ وَالْاَرْضِ وَهُوَ الْعَزِيْزُ الْحَكِيْمُ ۝

All praise belongs to Allah, Lord of the heavens and Lord of the earth, Lord of the worlds. His alone is the Majesty in the heavens and the earth and He is Mighty, Wise. All praise belongs to Allah, Lord of the heavens and Lord of the earth, Lord of the worlds. His alone is Greatness in the skies and the earth and He is Mighty, Wise. He is the King, Lord

of the skies and Lord of the earth and Lord of the worlds. His alone is the Light in the heavens and the earth and He is Mighty, Wise.

Follow up this prayer with this one:

O Allah convey the reward against this to my parents.

40. AN APPEAL TO MUSLIMS TRADERS

Have you ever troubled to think about your employees? Why do you forget that it is not enough to pay them their salaries? Their needs are not met by the meagre amounts you pay them towards their wages. You must create a fund from which they may receive help. You must share their sorrows and try to solve their difficulties. This is part of your moral obligation and a code of ethics. Also, this is a means to obtain the pleasure of Allah.

Have you ever considered if the salaries they receive is sufficient? Do they succeed in meeting the demands of their families.

Do not shut your eyes to the fact that luxuries apart, the salaries cannot help them see their genuine needs met. What are the needs? Two meals, rent, medicine, school fees and seasonal clothing. They do not indulge in extravagance, play and sports yet they cannot pay for their bare needs.

An employee's repeated applications for a raise fall on deaf ears. Your reply is always the same and stereotyped: you face a tight situation and so cannot accommodate his request. If you are approached through another source you protest that a raise

will spoil their habits and they will open their mouths wider while you confront difficulties already.

But what do you do yourselves? When it is the first marriage of an offspring, you spend lavishly convincing yourself that this is a first happy event and you might not live to see another. So it goes on. When it is the turn of the last of the children, it is the same thing only the argument is slightly different.

The expenditure on a single marriage in the family is so colossal that it would cover easily many years' salaries of your driver, sentry, labourers and household servants. But it is beyond you to offer them a slight raise in salary. They find it difficult to live in a two room accommodation with teen age children. They ask you for a small loan to help them obtain a three room flat but you have for them a negative answer. Needless to say, you rely on familiar pretence of poor business and stiff competition and you put them off with vague promises to help them the following year.

Of course, you can very easily dole out money to meet just a night's expenditure on the *valima*¹ of your son. The expenditure would be in the vicinity of four to five times the amount that would buy an employee a three room flat. He would accommodate, in that flat, his parents, wife and children and you would receive the benefit of his life long prayers.

Just ponder over it. Here is a night of entertainment and there is the night of the poor man unending, dark and desolate. The injury will not heal. It would give rise to hatred and he will

¹ a dinner on a son's wedding usually the next day.

resort to loot and plunder. Murder and arson will be next. The consequences are that the poor and helpless section no longer distinguishes between lawful and unlawful. It has only one aim before it: *snatch its rights*. A poor man's labour to earn lawful livelihood and his use of unlawful means are seen so clearly in the example of a man who goes into the jungle to kill a lion but is said to be on a hunting trip. However, when the animal attacks him to kill, it is a savage beast!

Difference Between Cruelty And Justice

I had a chance meeting with a trader of similar disposition. During our conversation, I put before him, as an impetus to piety, that his employees could not make two ends meet in the remuneration they receive from him and he should consider a raise. His reply was prompt: if he increased their salaries, they would develop bad habits. I asked him what his annual income was. He gave a figure for the previous year and volunteered that in the current year he expected an increased income. I requested him to offer a *salat-ul-hajat* (an optional prayer to present one's needs to Allah) that night and then present a supplication to Allah:

O my Lord! Do not ever let my income increase. If my income increases, I will develop bad habits as is already happening. I will use the income to shop from Dubai and visit Hong Kong. I will find excuses to hand over cash covered with envelopes to the family of the in-laws of my children. I will indulge in despatching gift packages on slight pretences. In fact, I will send gifts of delicious eatables to friends in newly purchased utensils. The money that I will squander on the seat covers for my car, and the

wheel caps, will match the annual salary of my driver. I will open my purse for the marble in my bathroom and teak wood for my cupboards, money that a labourer and servant may earn in three years. Therefore, my Lord, my habit is getting worse. Do not give me more wealth otherwise I will buy new cars. I will throw money on alterations to my house, on marriages....

There are some people who lay claim to piety. They take whole families along to perform optional *umrah*. Just give it a thought. Your employees are unhappy; they do not have enough money for medical treatment. They stretch their salaries but these cannot outlast twenty days, feeding their many children. If you divert to these people your money set aside for your optional *umrah*, prayers will flow for you voluntarily from the depth of their hearts. Allah will preserve you from calamities, illnesses and trials.

Our incidental expenses on dinner to our visitors who arrive unannounced can be anywhere around the salary of two employees. We also take the opportunity to invite them to a proper dinner at a future date. Are we so boggled, then, not to fathom how a man can survive on the salary we pay him! His family with him, too! Rent included! Think over it, for God's sake. He too does have to cope with happy occasions in his life. He too cherishes the wish that he serve tea to the family of the fiancé of his daughter. But when he cannot meet the needs of his family with the salary that he gets, how may he invite them to tea?

If you compare your total spending, genuine and wasteful, with his spending, you will find his unrealised necessities buried

deep under mountains of your wasteful spending. This situation prompts employees to cheat or be disloyal which behaviour (is immoral, of course but) affords you an opportunity to publicise their dishonesty. You do not realise, however, that you are responsible for the growth of this behaviour in them — the other side of that bad coin is our irresponsible conduct.

What was it that Hakim Luqman said? "You cannot so much as peel off wood in a forest with an axe, although it is made of iron, unless you attach to it a wooden handgrip."¹

When an employee cannot meet his household expenses, he develops an inferiority complex and takes to bad ways, turns a thief or a bandit and does not abide by his commitment. There is a continuous friction in the house and drugs are used. What is more worrying is that the family members distance themselves from religion, their faith in Allah is shaky and they are ungrateful to Him. Is the missing *handgrip* your failure to help them?

If a member of our family is ill and the doctor advises change of climate, you do not hesitate a moment to move him out to another place even if it is outside the country. Then why is it that you point out towards poor business when asked to give the poor man a raise that he may pay his medical bills?

For the sake of Allah, do try to understand His working. If your small show of generosity cools the eyes of a poor man, his silent prayers will emit from his lips voluntarily and be heard on the Throne, high up! Your monetary assistance will bring joy to

¹ Mukhtasar Ikhtlaq.

his house, his children will smile when they are given to eat fruit or sweetmeat. Seeing the smile on their bright faces, the father will utter prayers for you. These prayers, Allah will hear and award. Who knows how many anxieties and illnesses are removed from you, your children and grandchildren.

Let Every Boss Picture Himself As An Employee

Have you ever thought of it? A labourer at your factory. He works from early morning for eight or twelve hours every day. He gets a rest every three hours for half an hour. Perhaps he loads bottles into a truck. When it is evening, how tired he might be! You do not permit him break for prayers, or he does not ask for it and you did not feel like inviting him to offer them.

When he arrives home, he finds his mother is ill. He takes her to the hospital in the morning with the result that he is late at work. His pay for the duration he was late is deducted from his salary. There could be another reason for being late — he could have had a flat tire on his motor bike.

Now, place your younger brother, or a son, in his place. Why not yourself? See the whole thing now from this side. What do you see?

Take turns with every employee who is on your rolls. The sentry. The driver. And so on. Your sentry in your place and you a sentry, how should he tackle you? Having seen it from the other side, now do with him as you had seen from there. Then see how Allah deals with you, Insha Allah.

If you are paying high school fees for your child, would you not have wished to be able to do the same if you were a worker in the factory? Similarly, the eatables that are brought to your

house, these people who carry them for you, can they afford to feed their children once a week, not every day, some of the things they carry for you? Or the different dishes you have on your tablespread, will they have ever so much as thought to have fed their family once a month, something like that — not every week?

If you were on the other side of the fence, what treatment would you expect from your boss, and what salary?

Grow this thinking every time. Ask your family members to do the same. Let your wife put on the shoes of her maid. Then let each recall what he expected of the employer.

Exactly these expectations your employees have from you. They too have children, spouses, brothers and sisters. They have feelings like you have. Their children too wish to go to a well-known *madrasah*, and their sisters to be happily married.

Be grateful to Allah that He has favoured you and bestowed on you His blessings. You do not have to seek employment nor do your family members have to do so. Then, it is your duty to care for those that work with you, and see to their genuine needs. Favour them from time to time. When they are ill, treat them and console them. Let them know that you are behind them and they need not worry. It is your responsibility to build them their houses, to pay their medical bills when a child is born to them and to raise their salaries to cover the additional expenses after the birth of a child.

When you are considerate in this manner, the trials, troubles and calamities that could have beset you are removed. Those that afflict you would soon be removed through the prayers of

these people, otherwise the harm they cause is grave. May Allah preserve us all!

When the tormented employee's mother raises her hands in complaint to Allah, then who can stop ruin and destruction from wrecking the employer? When he is so surrounded, performing optional *umrah* or using amulets or water on which words of prayer are puffed will not keep the torment away from him. Neither will prayers of pious people nor the prescription of prominent physicians parry the misery. Whether he goes out of the country for treatment or travels for a change of environment, the complaint of the stricken victims will have done its work.

The affliction may be removed only when he apologises to the poor man and makes amends so that he and his family are pleased to the extent that the displeasure caused previously is offset.

Listen further. The employee who is subjected to fumes through continuous labouring in the factory in unhygienic conditions, or the driver who inhales smoke driving in dense polluted areas — he falls ill one day. His old mother takes him to a doctor who diagnoses tuberculosis through inhaling fumes and smoke and prescribes a rich diet and recluse to a healthy resort. The aged mother weeps and says, "Doctor, if I could afford this treatment, we would not have had to see this predicament. My darling son would not have been subjected to the deadly conditions that brought about this illness." She laments, "Doctor for three days now his wife weeps because his employer has sent us his wages for the ten days that he attended the factory. There is a note with the payment that they have

found a replacement for him. What will we do at the end of the month?"

Have you a reply to this question? On the Day of Judgment, the best of the judges will put this question to you. Do you think you will have a reply?

You have prepared a list of evasive defences. Sometimes you take cover behind a tight market situation. The word "depression" is there on your lips to the rescue. Averse conditions, slump in business, flow of money is blocked, orders are scarce! These expressions of regret imply that the margin of your profit is a hundred percent but has not multiplied to the targeted eleven hundred percent. These are part of terminology of the employers and are resorted to in such situations. These are used when a creditor asks for his money, a donation is requested for a noble cause or a raise in salary is the issue.

It is not acknowledged that the excuses put forward are never a deterrent to realising the investment in a very short span of time. Henceforth whatever income is derived from the investment is profit alone so that if ever there is a lean period when no profit accrues it is never a loss situation. In other words, there could be a loss of profit sometimes.

Then why is it that you do not pay an honest employee a salary commensurate to his needs? You concede that the monthly household expenses of a driver are higher than the salary he is paid yet you persist in paying him the lower amount because that is the prevalent salary for a driver. Your argument is that you can get a driver at the salary you offer. Perhaps you

may recover the cost of another factory by saving on the salary and build yourself the wealth of Qaroon.¹

Imagine a possibility. There is a labourer who has a wife and a child; he works for a rupee a day. Another who only has a wife but no child is prepared to work for three-fourths of the wages at the same position. A third one, however, is happy to receive half a rupee because he is a bachelor and has no one to support. On the fourth day, however, he receives his dismissal order because the employer has found a hungry wretched for a quarter of a rupee a day!

Does it follow then that all employers will hunt this fourth bargain satisfying in the process their goal and the aim of this man at the cost of the three who are then left to perish? This can never be. It is against common sense. Then, is your approach correct? You are unmoving, adamant. You will not raise the salary of your driver; he may take up another employment after his hours with you. You do not hold yourself responsible for him so that if he chooses, he may quit working with you. Would you, if you were in his place, consent to this? A man tired from a full day's work, can he put in more hours at night? Let us leave you to answer this question.

However, we will tell you the consequences of this approach. Before reading on, pray to Allah that He inspire you and me and all Muslims to be practical minded and act in a correct way. *Aameen!*

Is It Not A Loss

¹ Korah of the Bible.

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Is It Not A Loss

¹ Korah of the Bible.

For example, you have bought a huge quantity of paper for your press. Suddenly the prices show a downward trend and you lose a substantial sum of money. Compare to this the small increase in the salary of the driver would have taken three or four years to cost you this amount of money. You save this money by under-paying him but suffered a loss. You had his prayers to Allah against you and you also face anxiety in the next world.

Another example. Your customer approved a pattern, and a sample of the shirt also received his approval. To meet his order, you purchased a large quantity of the material and had them printed according to the approved design. When everything is ready, you get a telephone call that the order stands cancelled. Suppose you had paid rupees twenty per yard for the cloth and another fifteen for the printing raising your cost to rupees thirty five. Now, you do not find a buyer at rupees ten.

Where is the money you saved on wages and salaries to labourers, drivers and other employees? What is the result of turning away a creditor? What is the outcome of withholding the shares in inheritance of your sisters and minor brother? Look at the loss! The fruit of your efforts over the years vanished into thin air at a sigh of a poor man!

Another example. You have sent a container of export cargo to Dubai or USA on the basis of cash against documents. The buyer refuses to honour them. You have no alternative but to redirect the cargo to your end but you do not have a valid Letter of Credit for this. What can you do?

Remember, the money that you save by depriving the poor, the employees, the needy relatives and those who are devoted to the cause of Allah, this money will be the cause of chastisement in both the worlds. You can never own that money. You can never appropriate the right of others and enjoy it too although you may befool yourself over it. We might see our bank balances rising but such money never stays long with us and sometimes it takes along with it the capital we already owned down the drain. Apart from the loss, it also involves us in many anxieties and worries. We then blame the robbers and lament the illnesses in family. We blame our advocates or the judges and sometimes see in it the mistake of a younger family member in business. Yet if we think over it, the mistake is committed by ourselves. We may have not paid *zakat* in full. We may have underpaid the employees. Although we could have done it easily, we may not have cared enough for our poor relatives. Sometimes, Allah desires of us to be generous in spending on noble causes but we may have been stingy.

It is a sign to the people who will come until the last day that Allah has destined the incident with Hazrat Umme Salmah رضي الله عنها.

A Piece Of Meat That Was Denied To The Poor Turned Into Stone

Someone sent to the mother of Believers, Hazrat Umme Salmah a piece of cooked meat as a present. Knowing that the Holy Prophet عليه الصلاة والسلام had a liking for meat, she asked her maid servant to keep it aside for him. She hoped that the Prophet would eat it later. The servant laid it in a niche. A short while later, a beggar approached the door and requested to be

given something in the name of Allah, "Allah will bless you," he said. He got the reply, "May Allah bless you." (This was to say that there was nothing to be given to him.) The beggar went his way. The Holy Prophet عليه الصلاة والسلام arrived after a while. He said, "O umme Salmah, I'd like to eat something. Do you have anything?" Hazrat umme Salmah رضي الله عنها asked the maid to present the meat to the Messenger of Allah. She went to the niche to fetch the meat but found a white stone instead. (When he learnt what had transpired,) the Holy Prophet عليه الصلاة والسلام said □ □ that because the beggar was not given the meat, it had turned into a stone.

MORAL:

It is something worth taking a lesson from. No one can compare with the noble wives of the Prophetin generosity and large heartedness yet the result of keeping the meat away from the beggar is quite clear. We know well that the meat was not kept by Umme Salmah for herself but for the needs of the Prophet. It was the mercy and kindness of Allah on the family of the Prophetthat caused the meat to appear as stone, whose characteristic it had developed because of denial to the beggar. Actually, when a person conceals some eatable from the one who is in need of it so that he himself should eat it to the exclusion of the needy, the eatable develops indigestible qualities of stone. True benefit will not be derived from the food and the person eating it will become stubborn and will be deprived of its advantages. This is what happens with us. We eat so many bounties of Allah but we do not derive their benefits. We complain that these things are not as they should

be while it is our intentions that are adulterated. We must know, then, that evil intentions deny benefits to the user.¹

My dear friends, this was an incident from the lives of the family of the Prophet. Allah has shown everyone who will inhabit the world till the doomsday that whatever is eaten that was first denied to the needy will be as if a stone is eaten as far as its effects are concerned. In other words instead of being digested and beneficial, it will harm. No matter how much care is exercised and precaution taken to ensure purity and scientific cooking — or to preserve in deep freezers — it will give rise to hitherto unknown maladies.

We know of certain illnesses that were unknown in the days of our forefathers. They have developed in our houses. We spend much money on their treatment and go abroad too for medical attention.

It is wrong to keep money aside denying it to the poor. When we do so, the effects are harmful in this world and will be so in the next too. Therefore, a Muslim must display his characteristic by paying a decent salary to his employees. A salary that allows them and their families proper meal and medical care. From time to time, you must ask them if they have a problem. Maybe there is a pregnant wife of one of your employees; give him monetary assistance. Do away with the concept that when you can get a person at a lower salary why should you pay more.

¹ Fadail Sadaqat, pp 227.

We must derive a lesson from an incident in the life of Hazrat Mufti Muhammad Shafi. Once when he was travelling in a car and it stopped at a place, a beggar pushed forward his outstretched hands. He took out some money from his pockets and gave it to the beggar. Maulana Taqi Usmani who was with him in the car asked him, "Father! Normally these beggars are not genuinely entitled. Should we give them money?" The father's answer to this question is worth considering and Maulana Taqi Usmani has it etched over his heart, as it were. "Yes, son! You are correct. But, think of it, what will become of us if we also get from Allah according to our entitlement?"

Let each of us think about it. Am I entitled to all the benefits and favours that Allah has granted me? Do I deserve the income that I earn each month?

Allah has granted you wealth so that you can use it. Therefore, do not go by the theory of entitlement of an employee. Measure his genuine needs and pay him a salary that can cope with his needs. Make out a list:

BREAKFAST	tea and biscuit	Rs.
LUNCH	pulses and bread	Rs.
HOUSE	rent	Rs.
ELECTRICITY & GAS: bills		Rs.
CHILDREN'S NEEDS		Rs.
		Total: Rs.

This appears in some detail in *Mayray walid mayray Shaikh*, pp. 157.

Mind you, breakfast is not made up of butter and bread. For lunch he does not have *Qorma* and *biryani*. Considering the high cost of living, how much will he need for such a simple living. Multiply it by the number of his dependants. Then there is need to spend on medical care, school fees, house rent, electricity, water and so on.

If he is honest and trustworthy and Allah has bestowed His favours on you, you will not lose anything if you pay him in terms of his needs. If, in spite of this, you deny him a good living, his prayer against you will cause calamities and anxieties to descend on your house and business.

Then the money that you have denied the poor employee is snatched away from you by robbers or it goes down on payment of medical bills, or natural calamities will strike you. Therefore, every Muslim, man and woman, must pay attention to the needs of his employees and poor relatives and give them as much as he can lest their prayers get him. Then the money does not stay with him and it often happens that it brings in its wake anxieties and insomnia. Cast your eyes around, look at your own affairs. These things happen as we have narrated.

Those rich people who hold back *zakat* and do not look after poor relatives, orphans, needy, travellers in dire strait and who do not pay their servants sufficient salaries, their wealth usually is spent in fighting off anxieties and calamities. It happens during their lifetime and could be after their death in the shape of bickering between brothers and sisters. The money that the father had denied others goes down in legal fees and taxes or there are huge business losses. The losses are on the face of it attributed to change in governmental policy, negligence or a son

or a partner but the reasons are to be seen in our own behaviour. It could be from:

- (a) not observing the directions of *Shari'ah*;
- (b) turning out of the house a son who is religious minded and wants to run the affairs of business according to *Shari'ah* rules;
- (c) we do not observe the commands of Allah Who has appointed six heads of charity besides *zakat*. He has said:

﴿وَأَتَى الْمَالَ عَلَىٰ حُبِّهِ ذَوِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينَ وَابْنَ السَّبِيلِ
وَالسَّائِلِينَ وَفِي الرِّقَابِ﴾ (سورة بقره الاية ١٧٧)

— and he gives his wealth out of love for Allah to the kinsfolk, to the orphans and to the poor who beg and to the wayfarer, and to those who ask, and to set slaves and prisoners free.¹

Maulana Mufti Muhammad Shafi writes in his commentary on this verse:

This proves that the monetary obligation is not limited to zakat. It is an obligation on us to spend wealth in many cases apart from zakat (Jasas Qurtubi). Examples are, extend monetary help to poor relatives when they are unable to earn a

¹ al Baqarah, 2:177.

living. When it is needed, a mosque is constructed. Madrasah for religious education are built. All these are obligations.'

Obviously, it is your wish that you may not lose the wealth that you have amassed, that you may reap benefit from it in this world and the next, that it may not be a cause of disagreement among your children after your death and that you do not suffer unheard of illnesses and calamities. In order that you may find your wishes met, pay the full amount of *zakat* due on you and spend money generously on the six heads mentioned in the verse quoted above. Do not let go any opportunity to spend on noble causes by being miserly. Ask the honourable *Ulama* to guide you on your questions on *zakat*. Look around and see if any of your relatives is unemployed. He could be the son of your brother or sister or a relative of your wife. Think of him exactly as you would think of your own son. If, for example, Allah has granted you four sons and each has a separate business. Treat your relative to be a fifth son and set up for him a small business so that he can stand on his feet and support his family. Insha Allah, he and his future generation will pray for your welfare. This is as if you got a slave released from the prison of labour and gave him an independent source of livelihood. May Allah preserve us from adversities! May He cause us to be among those who spend generously! May He inspire us to be good and generous to our employees and relatives in reciprocation of His generosity to us!

We now continue the discourse on the payment of salary. If you now realise that it is in fact difficult for an employee to

¹ Ma'arif-ul-Quran, v 1, pp 433.

sustain himself and his large family on the salary he receives even if he subsists on pulses, then pay him a higher salary. If we were living in an Islamic state, a stipend would have been paid to each of his children. Hazrat Umar رضي الله عنه had gone so far as to appoint an allowance for the new born child too. We are not living under an Islamic state today and Allah has put him under you so it is your duty to see that a sigh from him or his wife or children does not reach the Throne, high above.

Aajri reports about Hazrat abu Zar Ghaffari رضي الله عنه. He asked the Messenger of Allah عليه الصلاة والسلام about the *sahifa* (Books) of Hazrat Ibrahim *may peace be on him*, what they were? Our beloved Prophet عليه الصلاة والسلام replied that they contained maxims, words of wisdom that had a moral behind them. One of them was about a cruel king. It goes thus:

O proud king ruling over people! I had not given you sovereignty in the world that you amass wealth upon wealth. Rather, I had given you leadership that you prevent the sighs, the complaints of your people from reaching Me because it is a practice with Me that I do not reject the prayer of an oppressed even if the prayer is from the lips of the unbeliever.'

Think along these lines: "Allah had not appointed me a businessman that I go on multiplying my wealth until I return to Him. Or, build a few tall buildings. Rather, He had caused me to be a businessman that I ensure that a poor man, particularly if he is in my employment, may not have to complain or release a

sigh to His Throne. He gave me wealth that I spend on His slaves."

Be considerate to your employees, the poor people in general, your relatives and friends. Give them even before they ask you for anything. Help them out when they are distressed or ill. This will be your insurance against misfortunes, and your family and business will be protected.

Hazrat Shaikh-ul-Hadith writes in the Fadail Qur'an that when the Holy Prophet عليه الصلاة والسلام deputed his Companions رضي الله عنهم as amir or ruler over a people he gave them certain instructions. One of them was:

﴿وَاتَّقِ دَعْوَةَ الْمَظْلُومِ فَإِنَّهُ لَيْسَ بَيْنَهَا وَبَيْنَ اللَّهِ حِجَابٌ﴾

Fear the prayer (to Allah) of an oppressed person against you because there is no barrier between him and Allah.'

Therefore, if a child is born to him, give him a raise in salary so much as you easily can. Be sure that you will not lose anything but you will stand to profit. His prayers and of his family will protect your wealth. The prayers will ward off illness and misfortune over you and your family and protect you from theft, robbery, falsehood, distrust, cheating and disloyalty by subordinates. Let his salary be enough for him to meet his needs, at least. If, in spite of limiting his expenses to a bare minimum, he has spent his salary well before the month is over,

he will be tempted to steal or cheat; the remaining days he will misuse your wealth to meet his needs.

Once he lays his foot on the wrong path, he will cast aside a life of simplicity and plunge into a life of desires and temptation. There was a time in his life when his salary stood exhausted before the month was yet over and he did not own so much as a radio set to listen to the news bulletin. Now, he can watch repulsive programmes on the television set that may be described as tuberculosis of the soul. He will seek wealth by different illegal means. He will subscribe to various unlawful schemes that the government promotes but are not approved by *Shari'ah*. These schemes include those that are a combination of gambling and usury. To cap it all, he will presume this unlawful wealth to be lawful and mar this faith. Misfortunes will then strike him and he will stand to suffer in this world as in the next.

If we ponder over it — wear the thinking cap — we will realise that we alone are to blame for this predicament. May Allah prompt us to stick fully to the dictates of Islam! May He motivate us to spread the teachings of Islam everywhere in the world! May He inspire us to live an Islamic life, all of us, our businessmen, labourers, rulers, the ruled, men, women and children!

This discussion has now lengthened. We do commend you on your optional *Hajj* and other optional worship and do agree that it is a perpetual charity to construct mosques and *madrasah*. But the Creator and Master you wish to please by this act — that same Master, the Absolute Owner can be pleased by a very small act. It is also a great thing to do. It is to bring happiness to some respectable person who is worried and

suffers quietly without complaining about it. In terms of remembrance, Allah is not in the heavens and the earth but He is in the heart of a Believer who is ever conscious of Him. Let the heart of this person rejoice! See how he and his family submit in gratefulness to Allah and seek His pleasure! You too will then get reward from Allah for the virtuous deeds these people perform — the good deeds that they could do after gaining peace of mind by your help and cooperation!

Go on being generous to your employees whether at home, office or business. Look after their needs from time to time. Support them when they or their children are ill. Pay their school fees, their fare every time they go to meet their children in distant areas. Give them gifts on happy occasions, like Eid. You will find them your true friends and helpers. They will prefer your safety over their own. If anyone so much as looks at you with intent to harm, they will be prepared to die for you. You know well that it is the dissatisfied employees who provide vital information to the bandits and thieves.

It was a depressed, troubled labourer who had said: "In a country where I am not allowed to pick its natural product, an apricot, if an enemy attacks it and I am called upon to take up arms against him, I will lay down the arms and ask the Prince of Portland to defend the land whose master he claims to be!

The field that cannot give its peasant a livelihood

Of this field burn down every spike of wheat.'

In the same way, create an awareness of religion in your employees. Urge them to offer prayers regularly five times a day. Instil in them a desire to obtain religious knowledge. Motivate their children to memorise the Qur'an and pursue the course of religious scholars. Let not any of your employees be disobedient to Allah. See that not only he observes his religious duties but also that he urges others to do so too. Let him work to spread the message of Islam to every corner of the world so that everyone acts to obtain the pleasure of Allah. This will ensure success after death.

Try to get every employee to offer the five daily prayers with the congregation. Let the women in your house get the maid servants to offer the five prayers regularly. Your effort must continue until every employee offers his ritual prayers five times and misses none whether he is at work or home.

41. WEALTH THAT IS USED WITH THE HEREAFTER IN MIND

You must remember that you had arrived in this world empty handed. When you will return, your hands will again be empty. Meanwhile, what Allah has given you, you are a supervisor over it and a trustee. Do not be under the erroneous impression that all this is yours and that you are the sole owner of everything. On the contrary, all the wealth that you have is a trust placed

⁵ Makhzan-e-Ikhlaq, pp 209.

with you to try you. It is to see how you distribute it among the slaves of Allah and obtain His pleasure. It is to see that you do not compell the poor to raise a complaining eye towards the heavens.

Think of it as your good fortune to be able to help the poor and the needy whether they are on your rolls or not. Take the acceptance of your gift or charity by them as a favour to you so that you may earn a reward in the hereafter.

Real wealth is the one that a person uses to help others. On the other hand, the balance in your bank is not yours; it is the property of others that you will leave behind. Have you not seen people who toil to establish their businesses or industries years on end and feel proud about their ownership? But these do not belong to them after all. Your wealth was what you used up; everything else is for your heirs. It is a false impression that a man entertains about ownership because he has his name inscribed there. He seems to fool himself that a peon opens the door for him, or people salute him. He must know that they look at the car in which he travels. The make of the car impresses them. The genuine salute that you get is from the poor man to whom you were generous and he prays for you even after you are enclosed in the narrow, dark grave for ever. His eyes will drop a tear for you when they recall you.

It is the person whom you had favoured to please Allah by getting him a shelter to live with his wife and children. It is the person whom you had provided a source of livelihood through a small shop so that he could break the chain of employment and support his family honourably. These are the people who will salute you when there is no one to pray for you and you are in dire need of it; they will pray for you.

May Allah inspire all of us Muslim brothers and sisters to prepare for our death before *malik-ul-maut* (the angel of death) comes looking for us! May He obliterate from our hearts the love for this fleeting world! May He raise in our hearts a love for the grave and the hereafter! *Aameen!*

Just think of it! An item in one of the newspapers has it that in the Punjab a young boy, Iqbal, committed suicide because his parents could not buy him a new pair of clothes for Eid. Think further! How many more Iqbals there may be among the *Ummah* of our beloved Prophet, Muhammad ﷺ who do not own clothes to wear on Eid. On the other side, let us look at ourselves! Our children have a pair of uniform for their schools, a pair of clothes to wear at home, a sleeping suit for the night and different clothes for parties, for playing and for attending weddings. But when it comes to giving the parents of the poor over and above their endowments, we find our resources limited and unable to cope with the extra requirement. It is, therefore, very necessary that we revalue our approach. We must set aside something from our wealth to meet the needs of the poor people. We must deal with them generously and in a spirit of cooperation. When it is a call of justice and is obligatory on us to give others, we must do so at the earliest opportunity. Examples of these obligations are where a *Shari'ah* right is to be met, a debt is to be paid and the shares of our sisters to be given to them. Other examples are salaries of the employees that were unnecessarily withheld, payments to creditors against purchases from them, and so on.

Let all Muslims in general and businessmen in particular pay attention to the following:

Refrain from borrowing unnecessarily. If a loan is taken, it must be repaid as early as possible. Where a business debt must be incurred, or you have retained to yourself the rightful share of another, you must return it without any delay. Write down whatever you have to pay. Repay with your own hands what is most necessary. As for the rest, write down a detailed account in your will. Let someone close to you, perhaps, an assistant, know the state of affairs and the names of those who have to be paid and how and why. Tell your nominee that it is his duty that he must do it for you so that you are not questioned in the hereafter.

Let us now recall some of the sayings of the Holy Prophet ﷺ on this subject.

1. He sought refuge from debt and disbelief, in one breath.¹

2. Hazrat Abdullah bin Umar *may Allah be pleased with both of them* has said, "Debt is the banner of Allah. When He wants anyone on earth to be debased, He drowns him in debt."²

3. The Holy Prophet ﷺ has sounded a stern warning against debt. Those who died leaving behind unpaid debts and left no wealth from which the debts may be repaid, the Messenger of Allah ﷺ did not lead their funeral prayers. (This was to discourage people from borrowing unnecessarily and to encourage them to repay their debts quickly.) The

¹ abu Sa'eed Khudri as quoted in Tirmizi, Bayhashti Zaiwar sec 5, pp 446.

² Hakim, Bayhashti Zaiwar sec 5 pp 447.

Prophet asked the Companions *رضي الله عنهم* to offer the funeral prayers by themselves.¹

4 A *Sahih Hadith* tells us that *as long as a Believer's debts are unpaid, his soul is not allowed (reward or entry into Paradise).*²

Therefore, it is upon the debtor to worry about his debts and act on the suggestions we have given in the preceding lines. He must get guidance from *Ulama* and *Muftis* and give the rights to those who own them according to *Shari'ah*.

Finally, we hope that you have benefited from this small effort; do remember us in your prayers.

You will gain from it too if you acquaint your friends and companions with this book. Advise the male and female members of your family to write down their wills. Those who cannot write it down themselves, ask them to follow the proforma in this book and to get someone to write it down for them.

We give the telephone numbers, fax numbers and postal addresses of the honourable *Ulama* and *Muftis* of Karachi so that you may get your religious questions answered from these reputable people. We pray that Allah motivate all of us to go to these true noble *Ulama* and get their opinions and then act on them.

¹ *Mushtak* 256 *Hadith* # 2776.

² *Mushtak* 252 *hadith* # 2782.

If you can suggest improvements in this Book or can advise something reformative, please do us a favour. Your suggestions and advice will be incorporated in future editions.

Peace be on you, the mercy of Allah and His favours.

We ask you for your prayers — the author and teachers of *Madrasah Baitul-Ilm*.

Friday, 25 Rabi-ul-awwal 1417

the translator

Friday, 28 Ramadan 1417 (7th Feb. 1997).

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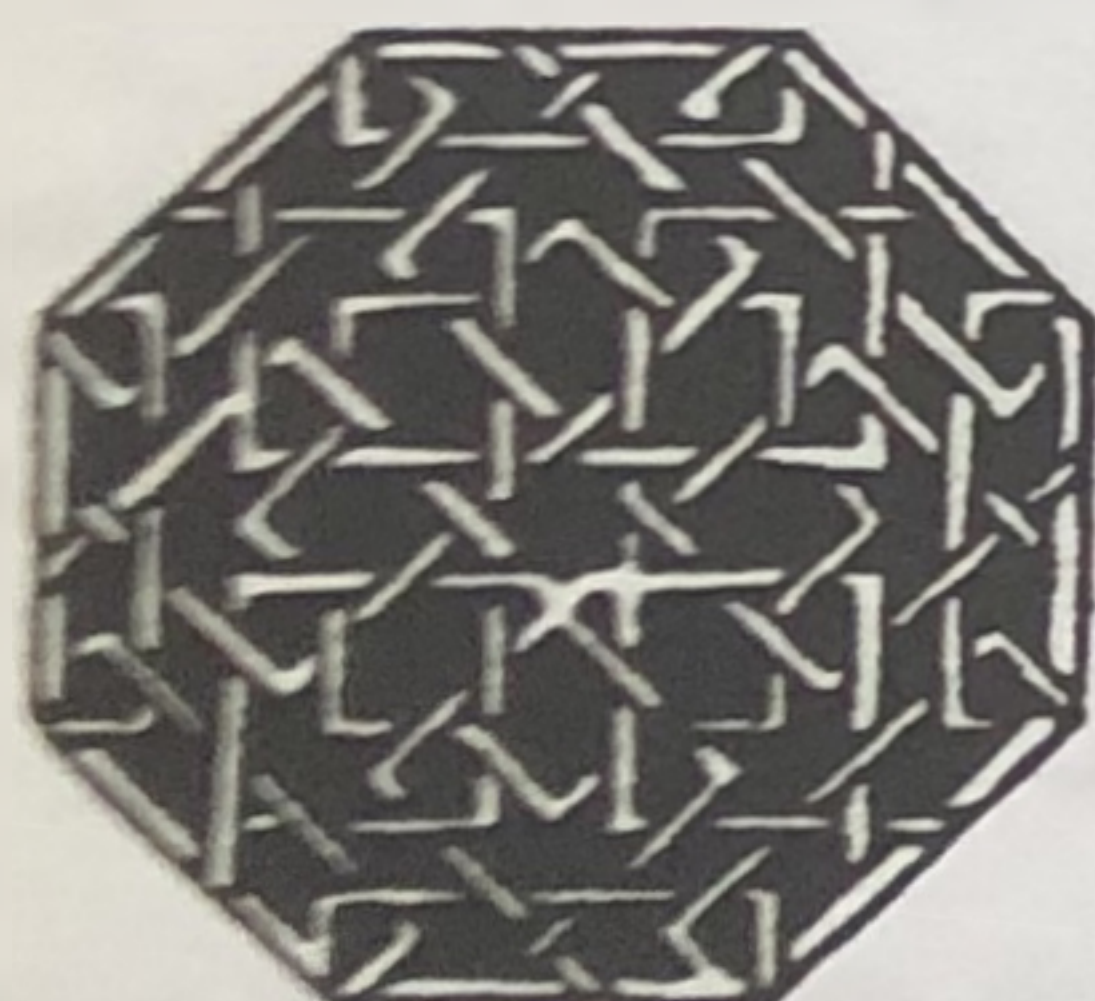
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فَضَائِلُ الْحَجِّ

By
Shaikhul Hadith Maulana Muhammad
Zakariya Kandhelwi



Zam Zam Publishers

2, Shah Zeb Centre,
Near Muqadas Masjid,
Urdu Bazar, Karachi. Pakistan.
Post Code: 74200
Phone (021) 7725673, Fax: (021) 4853525
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Nearest Approach
To the
Messenger of Allah

صلى الله عليه وسلم

Allama Mushdooom Muhammad Hashim Sindhi

Compiled by:
Maulana Muhammad Yousuf Ludhyanvi

English Translation by:
Rafique Abdur Rahman

Zam Zam Publishers

2, Shah Zeb Centre, Near Muqadas Masjid,
Urdu Bazar, Karachi. Pakistan - 74200
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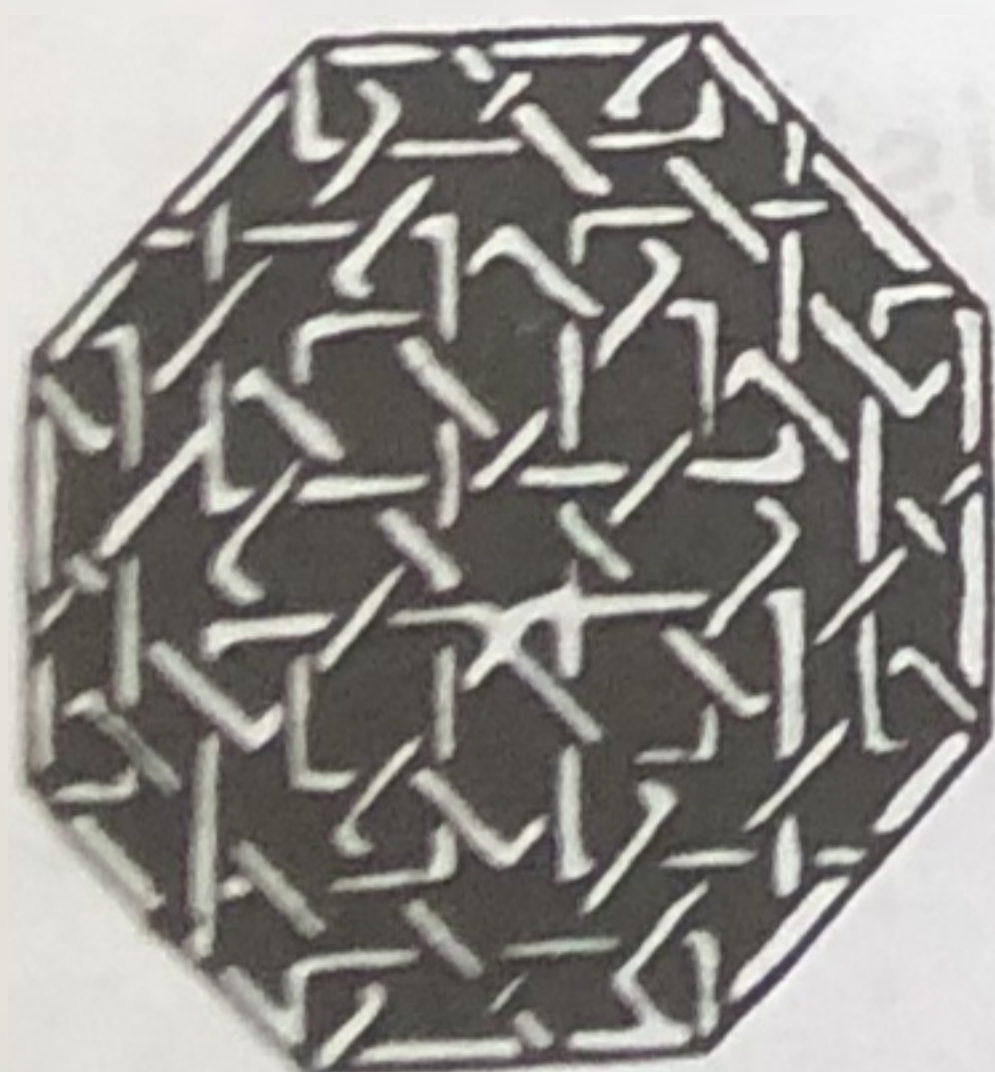
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